

**Congress of the United States**

**Washington, DC 20515**

July 19, 2007

CCU  
Peter  
Josh  
Chris  
Kevin  
file

Mr. Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Dear Administrator Johnson:

We are writing to request a formal review by the Environmental Protection Agency of the egregious National Pollutant Discharge Elimination System (NPDES) permit issued by the Indiana Department of Environmental Management (IDEM) to BP PLC for its Whiting, Indiana refinery facility.

We support BP's innovative approach to addressing our energy crisis, but not at the expense of our most precious natural resource. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than forty million Americans. It is critical that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

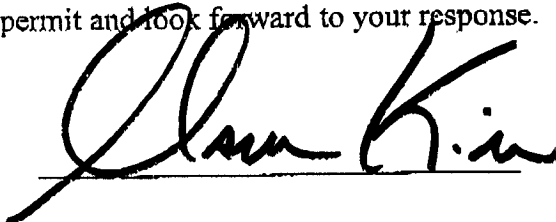
The permit issued by IDEM will allow BP to increase its discharge of ammonia by 54 percent and its discharge of total suspended solids by 35 percent. This amounts to an additional 554 pounds of ammonia and 1,279 pounds of treated waste per day being dumped into our source of drinking water. These staggering figures are wholly contradictory to the intent of the Clean Water Act, which seeks to minimize the degradation of our water quality. We are deeply concerned that a permit of this nature was issued.

We therefore request a review of the permit to include the following:

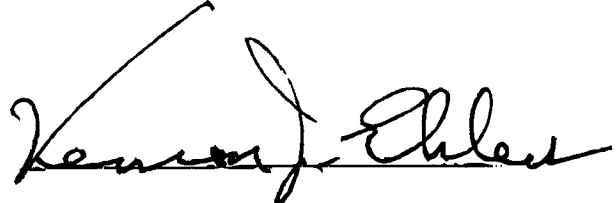
- 1) Ensure it is in compliance with Sec. 303(d)(4) of the Clean Water Act and 40 CFR 131.12 of federal EPA regulations which outline antidegradation policies.
- 2) Ensure it is in compliance with 40 CFR 132, which outlaws mixing zones for Bioaccumulative Chemicals of Concern (BCC). While we understand that no mixing zone has been granted for mercury, a BCC, it is concerning that the permit acknowledges that Mercury has been found in the effluent in quantities that show a reasonable potential to exceed water quality standards. The permit requires compliance of a final effluent limitation only after five years.

We also request a review of process under which IDEM satisfied these provisions.

As both Congress and the Administration work to protect and restore the Great Lakes, it is unacceptable to allow an increase in harmful discharge of this magnitude. We urge you to immediately review this permit and look forward to your response.



Sincerely,



Judy Bessie

Marian (IL-6)

Pete Heston (Mi-02)

Steve Smith

Tom Pitt.

Bin Nissim

Samy Baldwin

Senh Loni

Rale O

Paul Zink

MA Togni (Mi)

Candice A. Miller

Rale G. Alder

Holly Whisk

Danny H. Davis

Minel A. A.

John V. Gutierrez

1. Mark Kirk (R-IL)
2. Vernon Ehlers (R-MI)
3. Judy Biggert (R-IL)
4. Rahm Emanuel (D-IL)
5. Peter Roskam (R-IL)
6. Daniel Lipinski (D-IL)
7. Peter Hoekstra (R-MI)
8. Mike Rogers (R-MI)
9. Jesse Jackson, Jr. (D-IL)
10. Candice Miller (R-MI)
11. Thomas E. Petri (R-WI)
12. Dale E. Kildee (D-MI)
13. Brian Higgins (D-NY)
14. Bobby Rush (D-IL)
15. Tammy Baldwin (D-WI)
16. Danny K. Davis (D-IL)
17. Sander M. Levin (D-MI)
18. Michael A. Arcuri (D-NY)
19. Luis V. Gutierrez (D-IL)

MARK STEVEN KIRK  
10TH DISTRICT, ILLINOIS

COMMITTEE ON  
APPROPRIATIONS

SUBCOMMITTEES:  
FOREIGN OPERATIONS

SCIENCE, STATE, JUSTICE AND COMMERCE  
MILITARY QUALITY OF LIFE AND  
VETERANS AFFAIRS

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1310**

WASHINGTON OFFICE:  
1717 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4835  
FAX: (202) 225-0837  
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NORTHBROOK, IL 60062  
(847) 940-0202  
FAX: (847) 940-7143

WAUKEGAN OFFICE:  
20 SOUTH MARTIN LUTHER KING DRIVE  
WAUKEGAN, IL 60085  
(847) 882-0101  
FAX: (847) 862-7619

CONGRESSIONAL  
HUMAN RIGHTS CAUCUS

**FACSIMILE COVER PAGE**  
**OFFICE OF CONGRESSMAN MARK KIRK**

To: EPA Cong. Affairs Today's Date: 7/19/07

Fax: 202 - 501 - 1319 Pages: 4

Phone: \_\_\_\_\_

Subject: Cong. Letter Re: BP Whiting facility NPDES permit

From:

☒ Congressman Kirk

☐ Lester Munson

☐ Patrick Magnuson

☐ Kim Brisky

☐ Sue Sweet

☐ Richard Goldberg

☐ Andria Hoffman

☐ Randy Hirsch

☐ Lauren Finkelstein

Comments:

**PLEASE CALL (202) 225-4835 IMMEDIATELY IF THERE ARE  
ANY PROBLEMS WITH THE TRANSMISSION OF THIS FAX.**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**AUG - 6 2007**

REPLY TO THE ATTENTION OF: R-19J

The Honorable Peter J. Roskam  
House of Representatives  
Washington, DC 20515

Dear Congressman Roskam:

I am writing in response to your letter of July 19, 2007 regarding the issuance of National Pollutant Discharge Elimination System (NPDES) permit by the Indiana Department of Environmental Management (IDEM) to BP for its Whiting, Indiana facility. The permit authorizes increases in the allowable discharges of total suspended solids and ammonia to Lake Michigan. You indicated that you were deeply concerned that a permit of this nature was issued.

You have requested review of the permit by the United States Environmental Protection Agency (U.S. EPA) to ensure that the permit complied with:

1. Section 303(d)(4) of the Clean Water Act (CWA) and 40 CFR 131.12 of the federal regulations which outline antidegradation policies; and
2. 40 CFR 132, which contains water quality guidance for the Great Lakes system, including a prohibition on mixing zones for Bioaccumulative Chemicals of Concern (BCC).

You also requested a review of the process under which IDEM satisfied these provisions.

The following is offered in response to your concerns.

IDEM is authorized to operate the NPDES program in the State of Indiana. In its oversight role, U.S. EPA can review permits for consistency with the CWA and to ensure that the permits satisfy the State requirements. U.S. EPA reviewed the proposed permit and compared the terms and conditions of the proposed permit to the regulatory requirements of 40 CFR Part 122, Subpart C (Permit Conditions) (as applicable to State-issued permits under 40 CFR §123.25). Based on this review, the proposed permit complied with the requirements of the CWA.

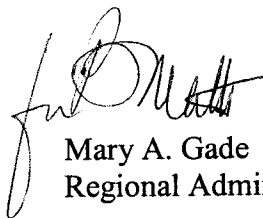
With regard to your questions concerning compliance with the antidegradation requirements of the CWA, IDEM wrote the permit taking into consideration the "antidegradation" provisions found at Section 303(d)(4) of the CWA. Of particular interest to this discussion, Section 303(d)(4)(B) states that, where water quality meets or exceeds that necessary to protect its designated use, effluent limits may be revised only as subject to and consistent with the State's antidegradation procedures. U.S. EPA reviewed the IDEM's antidegradation analysis and did not raise objection to the way it was performed or to its determination.

With regard to your questions concerning compliance with 40 CFR Part 132 and the period for compliance with the mercury requirements set forth in the permit, the federal regulations at 40 CFR Section 132 include requirements specific to Great Lakes discharges. These regulations include a general prohibition against the use of mixing zones for discharges of bioaccumulative pollutants such as mercury. Consistent with 40 CFR Part 132, this permit does not allow a mixing zone for compliance with the permitted mercury limitation. The permit requires BP to comply with a mercury limit of 1.3 nanograms per liter without the benefit of a mixing zone. As you noted in your letter, the permit requires compliance with the final effluent limitation after 5 years. The 5-year compliance schedule is consistent with 40 CFR Part 132.

In issuing NPDES permits, IDEM is required to follow its administrative procedures, including providing proper notice for public notice and comment. In issuing the BP permit, IDEM provided notice to interested persons and time for public comment prior to permit issuance. Following the issuance of the permit, IDEM provided opportunity for interested parties to appeal the permit. IDEM received no appeals of the BP permit.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Phil Hoffman, the Region 5 Congressional Liaisons.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary A. Gade", is written over a printed name and title.

Mary A. Gade  
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 21 2007

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, DC 20515-1306

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dear Congressman Roskam:

Thank you for your letter of August 15, 2007, to the U.S. Environmental Protection Agency's (EPA's) Administrator, Stephen L. Johnson, concerning the status of the petition submitted by Veolia ES Technical Solutions, L.L.C. (Veolia) to import PCB waste from Mexico for disposal. The Office of Prevention, Pesticides and Toxic Substances (OPPTS) has been asked to respond to your letter.

On November 14, 2006, Veolia petitioned EPA under the Toxic Substances Control Act's (TSCA's) section 6(e)(3)(B) to import up to 20,000 tons of PCB waste from Mexico for incineration at Veolia's TSCA-permitted facility in Port Arthur, Texas. EPA must either grant or deny this petition based on a demonstration by the petitioner that the action will not present an unreasonable risk to human health or the environment and that good faith efforts have been made to find a substitute for the PCBs (in this case, alternatives to managing the PCB waste in the United States). In order to grant or deny such a petition, EPA is required to go through notice and comment rulemaking which could include a public hearing. If granted, the petition is limited to one year in duration.

There are a number of complex issues associated with granting or denying this petition. My office is working as expeditiously as possible to respond to Veolia's petition. Barring any unforeseen issues arising during our internal review, we expect to publish the proposed rule in early 2008. As we move forward, I will be happy to keep your office periodically apprised of the status of the Veolia petition.

Again, thank you for your letter and I hope the information provided is helpful. If you have any further questions or comments concerning the status of the petition, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "James B. Gulliford", is written over a horizontal line.

James B. Gulliford  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

June 3, 2009

Ms. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

As Members of Congress representing the Great Lakes region, we are concerned about recent reports that British Petroleum (BP) has been violating clean air permits for as long as six years at its oil refining facility in Whiting, Indiana. We are therefore writing to request a comprehensive review of all ground, water and air pollution discharges at all British Petroleum refining facilities in the Great Lakes basin.

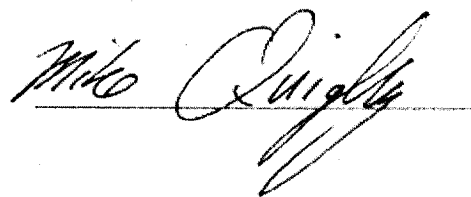
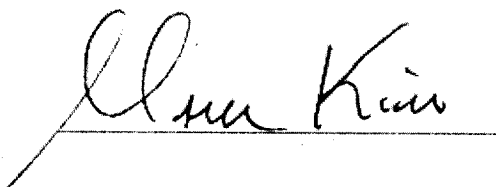
On June 2, 2009, BP reportedly acknowledged that it discharged benzene, linked to leukemia and other severe health problems, above federal pollution limits for at least the past six years. Levels of benzene emitted were approximately sixteen times the amount allowed in just the past year.

In July, 2007, the company applied to dump 54 percent more ammonia and 35 percent more industrial sludge into Lake Michigan. Fortunately, a coalition of federal, state and local leaders, environmental advocates and local citizens prevented the first new permitted pollution of the Great Lakes in a decade. We now understand that BP began the overhaul of this plant, without the proper permits, and increased air pollution for over thirty months in the southern region of the Great Lakes.

As you know, the Great Lakes are the crown jewel of our nation. They provide drinking water, food, jobs and recreation for more than thirty million Americans. President Obama recently included \$475 million in his Fiscal Year 2010 budget in order to restore our lakes. As we begin the federal restoration of the Great Lakes, we should ensure that BP fully complies with the environmental protection laws and permits.

We request that the EPA undertake a comprehensive review of each pollution discharge at the BP facility in Whiting, Indiana and other BP facilities in the Great Lakes region. We look forward to working with you to ensure the continued environmental protection of the Great Lakes.

Sincerely,



Daniel Fipich

Muriel J. Bean

P. Roskam

Tammy Babin

Paul Buchanan

Bart Stupak

Frank Lytle

Candice S. Miller

Debbie Halvorson

mil. Roys

Brian Higgs

Tom Peter

Valley Tech

John Schultz

Vernon. Elkins

Donna Hough

Judy Biggert

1. Mark Kirk (R-IL)
2. Mike Quigley (D-IL)
3. Daniel Lipinski (D-IL)
4. Mike Rogers (R-MI)
5. Melissa L. Bean (D-IL)
6. Brian Higgins (D-NY)
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9. Tammy Baldwin (D-WI)
10. Bobby Rush (D-IL)
11. Jesse Jackson, Jr. (D-IL)
12. Janice D. Schakowsky (D-IL)
13. Bart Stupak (D-MI)
14. Vernon J. Ehlers (R-MI)
15. Fred Upton (R-MI)
16. Donald Manzullo (R-MI)
17. Candice S. Miller (R-MI)
18. Judy Biggert (R-IL)
19. Deborah L. Halvorson (D-IL)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**JUN 29 2009**

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Peter Roskam  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your June 3, 2009 letter to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency. I have been asked to respond on her behalf. In your letter, you expressed concerns about BP Products North America, Inc. (BP), its state of environmental compliance, and its impact on the Great Lakes basin. You requested a comprehensive Federal review of all air, water and ground pollution discharges at all BP refining facilities in the Great Lakes basin. I write to assure you that we are committed to achieving and maintaining environmental compliance at BP and in the Great Lakes basin.

Under the Clean Air Act (CAA), on August 29, 2001, in the Federal District Court for the Northern District of Indiana, BP entered into a consent decree with the United States. The consent decree was one of the first global settlements in EPA's Petroleum Refinery Initiative and resulted from a comprehensive investigation of BP's facilities. The consent decree covers eight BP refineries, including the Whiting, Indiana and Toledo, Ohio refineries, and it resolved numerous alleged violations of the CAA. These include alleged violations of New Source Review (NSR) at fluidized catalytic cracking units and heaters and boilers, New Source Performance Standards at flares, sulfur recovery units and fuel gas combustion devices, Leak Detection and Repair requirements and the Benzene Waste Operations National Emissions Standards for Hazardous Air Pollutants (Benzene Waste NESHAP). The agreement required BP to pay a civil penalty of \$9.5 million to the United States Treasury and \$500,000 to the State of Indiana. Under the settlement, BP was required to install pollution controls that would reduce emissions of nitrogen oxides and sulfur dioxide from refinery process units by more than 50,000 tons annually, at a cost of approximately \$600 million. This consent decree is still in effect.

Region 5's current CAA enforcement at BP Whiting is the result of a more recent national investigation, arising from coordinated inspections of BP refineries to determine BP's compliance with the 2001 consent decree, as well as other provisions of the Act. Region 5 inspected the BP Whiting refinery in December 2006 and January 2007, and again in June of 2009. As a result of this investigation, EPA has cited BP Whiting four times since January 2007 for alleged violations of the 2001 consent decree and for new violations of the CAA that arose after entry of the consent decree. Further, Region 5 has also cited the BP Toledo refinery for alleged violations of NSR. Additionally, other EPA Regions have initiated enforcement actions at BP facilities across the country.



SHELLEY MOORE CAPITO  
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES  
RANKING MEMBER  
SUBCOMMITTEE ON HOUSING AND  
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE  
AND GLOBAL WARMING

Congress of the United States  
House of Representatives  
Washington, D.C. 20515-4802

June 4, 2009

2443 RAYBURN H.O.B.  
WASHINGTON, DC 20515-4802  
202-225-2711

4815 MACCORMICK AVE  
CHARLESTON, W.V. 25304  
304-925-5864

300 FOXCROFT AVE  
SUITE 102  
MARTINSBURG, W.V. 25401  
304-264-8810

WWW.HOUSE.GOV/CAPITO

Ms. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson,

We are writing to express strong concerns about the coal mining permit applications currently being held up at the U.S. Army Corps of Engineers by the Environmental Protection Agency.

It has come to our attention that more than 200 permit applications to construct and operate coal mines are pending at the U.S. Army Corps of Engineers (Corps) District Offices in Huntington, West Virginia, Louisville, Kentucky and Norfolk, Virginia. The Environmental Protection Agency (EPA) has begun a new process of reviewing lawful permits, hence delaying – or in a sense freezing – the Corps from issuing new permits. While much has been made of the recent approval of 42 long-delayed permits still waiting to be issued, hundreds more remain un-resolved and face further delay. These actions will force mines to idle production and rob us of some of the highest paying jobs in the region.

Little progress has been made in clarifying or providing consistency in the EPA process, leading only to the continued backlog of mining permits and greater confusion for coal mine operators and their employees. Such stability is critical to ensure continued investment in mining efforts, and the economic benefit which accompanies it.

Coal mining is extremely important to our nation's energy portfolio and financial stability. It generates over half of all of our domestic electricity. U.S. coal mining directly employs nearly 120,000 people; for each coal mining job, an additional 3.5 jobs are created elsewhere in the economy. In 2007, coal generated \$30 billion in sales and paid \$8.2 billion in direct wages.

When our nation is already battered by a deepening recession, we cannot sustain any additional job losses and further weakening of our economy. Mining families, communities and businesses deserve better. It is crucial that the EPA work with the Corps to find common ground on the hundreds of permits in question.

Sincerely,

SHELLEY MOORE CAPITO  
Member of Congress

  
JOHN SHIMKUS  
Member of Congress



GEOFF DAVIS  
Member of Congress



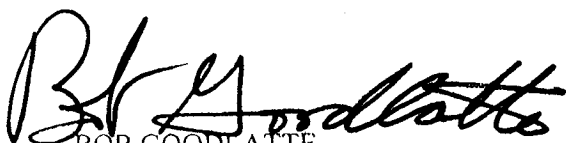
ED WHITFIELD  
Member of Congress



CYNTHIA LUMMIS  
Member of Congress



PETER ROSKAM  
Member of Congress



BOB GOODLATTE  
Member of Congress



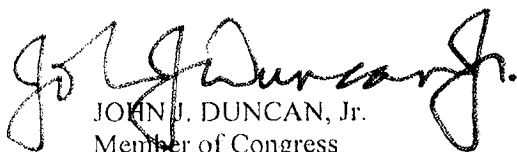
HAROLD ROGERS  
Member of Congress



BRETT GUTHRIE  
Member of Congress



DAVID P. ROE  
Member of Congress



JOHN J. DUNCAN, Jr.  
Member of Congress



JOE BARTON  
Member of Congress

cc: The White House  
U.S. Army Corps of Engineers  
U.S. Army Corps of Engineers, Huntington District  
U.S. Army Corps of Engineers, Norfolk District  
U.S. Army Corps of Engineers, Louisville District



SHELLEY MOORE CAPITO  
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES  
RANKING MEMBER,  
SUBCOMMITTEE ON HOUSING AND  
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

Congress of the United States  
House of Representatives  
Washington, D.C. 20515-4802

1431 LONGWORTH H.O.B.  
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304-925-5964

300 FOXCROFT AVE.  
SUITE 102  
MARTINSBURG, W.V. 25401  
304-264-8810

WWW.HOUSE.GOV/CAPITO

To: Ms. Lisa Jackson, Administrator, EPA  
Fax Number: 202-501-1519 Phone Number: \_\_\_\_\_  
Re: Corps Permit Issue Number of Pages: 3  
Date: 6-4-09

From:

Congresswoman Shelley Moore Capito

Joel Brubaker, Chief of Staff

Alison Bibbee, Executive Assistant

Aaron Sporck, Legislative Director

Jonathan Coffin, Press Secretary

Curran Johnston, Legislative Assistant

Virginia Gum, Legislative Assistant

Miranda Kessel, Legislative Assistant

Andrew Stasiowski, Staff Assistant

Staunton Gorrell, Staff Assistant

Notes:

Hard Copy Mailed 6/4/09

X



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**JUL 15 2009**

OFFICE OF  
WATER

The Honorable Peter J. Roskam  
United States House of Representatives  
Washington, D.C. 20515-4802

Dear Congressman Roskam:

Thank you for your June 4, 2009, letter to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson raising concerns about delays in the issuance of Clean Water Act (CWA) permits to construct and operate coal mines in Central Appalachia. As manager of EPA's national water program, I appreciate the opportunity to respond to your letter on the Administrator's behalf.

Let me begin by emphasizing that I appreciate your concerns and understand the importance of coal mining for the economies of states in Appalachia, for jobs, and for meeting the nation's vital energy needs. The Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), and the U.S. Army Corps of Engineers (Corps) have announced an Interagency Action Plan (IAP) designed to reduce the harmful environmental consequences of Appalachian surface coal mining operations, while ensuring that future mining remains consistent with federal law. In addition, Federal Agencies will work in coordination with appropriate regional, state, and local entities to help diversify and strengthen the Appalachian regional economy and promote the health and welfare of Appalachian communities. This interagency effort will have a special focus on stimulating clean enterprise and green jobs development, encouraging better coordination among existing federal efforts, and supporting innovative new ideas and initiatives.

I also understand your concerns about the potential to delay the permit review process and the effects of such delay on businesses and families who rely on mining for their livelihood. We have worked very hard with our federal partners to develop enhanced coordination procedures designed to improve the environmental review of pending mining permits under the CWA and to provide greater predictability and timeliness in this review. Our goals are ultimately to reduce delays, implement our authorities consistent with the best science available, increase transparency to enhance public confidence, and improve protection for water quality and the environment.

I understand less than 150 CWA permit applications for surface coal mining activities are currently subject to Corps and EPA review in six states (PA, OH, WV, VA, KY, and TN) in Central Appalachia. EPA will continue to work closely with the Corps to evaluate these applications consistent with the requirements of the CWA and our regulations and to proceed in

a manner that avoids any unnecessary delays. I want to assure you that we take seriously the economic, environmental, and energy implications associated with the implementation of our CWA responsibilities. We will work through each of the pending permit applications with these implications in mind.

Thank you again for your letter. Please feel free to contact me, or your staff may call Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at 202-564-4836, if you have additional questions.

Sincerely,

A handwritten signature in black ink, reading "Michael Shapiro". The signature is written in a cursive, flowing style.

Michael H. Shapiro  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MAY - 4 2010**

THE ADMINISTRATOR

The Honorable Peter Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

I am pleased to invite you to attend a ceremony and luncheon in honor of the 2009 President's Environmental Youth Awards (PEYA) regional winners. Young people in all 50 states and the U.S. territories are invited to participate in the program, and one winner from each of the Environmental Protection Agency's (EPA) 10 regions is selected each year.

The PEYA National Awards Ceremony and luncheon will be held in the Grand Ballroom of the Willard InterContinental Hotel, 1401 Pennsylvania Avenue, N.W., on May 20, 2010. The ceremony will begin at 10:00 a.m. and I will present the students with engraved plaques to celebrate their achievements. A brief description of the winning project in your district is enclosed. We are also looking forward to a lively performance from *Earth's Natural Force*, a multicultural, inner-city youth group dedicated to environmental sustainability. The luncheon will follow at 11:45 a.m., when you will have the opportunity to meet informally with the winners and view their project exhibits. We are excited to feature Philippe Cousteau, co-founder of EarthEcho as well as Jacques Cousteau's grandson, as our guest speaker.

The PEYA program promotes awareness of our nation's natural resources and encourages positive community involvement. This tradition is celebrated every year by the EPA to recognize young people across the United States for initiating and leading projects that protect our nation's air, water, land and ecology. Each year, the PEYA program honors a variety of environmental projects developed by young individuals, school classes, summer camps, public interest groups and youth organizations.

I hope you will be able to join your colleagues, constituents, and me in honoring these outstanding award recipients. If you have any questions or would like to RSVP for the ceremony or lunch, please contact Clara Jones in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701 or [jones.clara@epa.gov](mailto:jones.clara@epa.gov) by May 12, 2010.

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over the word "Sincerely,".

Lisa P. Jackson

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUN - 4 2010

The Honorable Peter Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dear Congressman Roskam:

Later this month, the U.S. Environmental Protection Agency (EPA) will present the 2010 Presidential Green Chemistry Challenge Awards to the developers of five outstanding green chemistry technologies that are scientifically innovative as well as environmentally and economically beneficial. We are very pleased to inform you that one of your constituents, Clarke, located in Roselle, Illinois, will receive an award this year and be recognized at this year's ceremony.

The Presidential Green Chemistry Challenge Program is a voluntary partnership between EPA and the chemical industry and broader scientific community. The results of the national competition are impressive: since 1996, the 77 award-winning technologies have eliminated the use and generation of hundreds of millions of pounds of toxic substances, while saving energy and lowering costs. Details are available on the program's website at [www.epa.gov/greenchemistry](http://www.epa.gov/greenchemistry).

This year, Clarke has won the Designing Greener Chemicals Award for a novel, environmentally friendly mosquito larvicide. We and the attendees from Clarke would be honored if you or your staff could attend the awards ceremony. I will present the 2010 Presidential Green Chemistry Challenge Awards to Clarke and the other recipients at our ceremony in the Atrium Hall of the Ronald Reagan Building, 1300 Pennsylvania Ave., NW, Washington, D.C., on Monday, June 21, 2010, at 5:30 p.m. The ceremony will last approximately one hour and will be followed by a reception. I expect to be joined by EPA Administrator, Lisa P. Jackson, as well as representatives of the White House, the American Chemical Society, and other Federal agencies. This ceremony usually draws about 300 attendees.

If I can be of further assistance, please let me know, or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Owens", is positioned above the typed name and title.

Stephen A. Owens  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention



CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES

July 29, 2010

**TIM HOLDEN**

17TH DISTRICT, PENNSYLVANIA

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The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Hazardous and Solid Waste Management System; Identification and Listing of  
Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities;  
Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

Thank you for the opportunity to comment on the above referenced proposed rule, published in the *Federal Register* on Monday, June 21, 2010. As you evaluate the development of federal regulations for coal combustion residuals produced by power plants that supply approximately half of the nation's electricity needs, also known as coal combustion byproducts (CCB), we urge you to craft an approach that protects public health and the environment without unnecessarily burdening the economy and jeopardizing important manufacturing and other related jobs.

We strongly recommend that EPA resist calls to regulate CCB as a listed waste under the hazardous waste authorities of subtitle C of the Resource Conservation and Recovery Act (RCRA). A hazardous waste approach represents the most extreme and burdensome regulatory option available to EPA under federal law, is wholly unnecessary, and inconsistent with past Agency decisions. Instead, we urge EPA to develop non-hazardous waste controls for CCB under subtitle D of RCRA for the disposal of CCB in surface impoundments and landfills, consistent with its 2000 Regulatory Determination.

Decades of work by EPA under both Democratic and Republican administrations implementing the Bevill Amendment to RCRA have consistently affirmed – in two Reports to Congress and two related Final Regulatory Determinations – that regulating CCB under RCRA subtitle C is *not* necessary to protect public health and the environment. In fact, EPA found that such regulation would be environmentally counter-productive because the stigma and related liability concerns of regulating CCB under RCRA's hazardous waste program would understandably have an adverse impact on the important objective of increasing CCB beneficial use.

EPA recently reaffirmed its conclusion that subtitle D controls are protective for the disposal of CCB as evidenced by its decision that management of the CCB from the

Kingston TVA spill in a subtitle D landfill would be fully protective of human health and the environment. EPA readily acknowledges in the pending CCB proposal that subtitle D non-hazardous waste controls for CCB will provide an equivalent level of protection for CCB disposal units as would hazardous waste controls under RCRA subtitle C.

There also is little question that the subtitle C option would have an adverse impact on jobs creation at a time when the nation is still attempting to recover from one of the worst recessions in our history and millions of people remain out of work. We simply cannot condone a regulatory option that harms rather than helps in the creation of new jobs, but unfortunately that is precisely what the subtitle C option would do.

We have heard from many companies in the still emerging CCB beneficial use markets that are seeing jobs lost from the mere suggestion of regulating CCB under RCRA's hazardous waste program. State departments of transportation have cautioned that the subtitle C option would put further restrictions on the important use of CCB in highway and other infrastructure projects. This could have an adverse impact on employment as available alternatives to CCB use in highway projects are considerably more expensive and would reduce the number of projects that could be covered by federal and state funds.

State environmental protection agencies have uniformly warned EPA that regulating CCB under RCRA's hazardous waste regime would immediately more than double the volume of wastes subject to hazardous waste controls, overwhelming the state budgets and employee resources needed to administer these new regulations. These economic burdens on the states will cause even more financial stress on already stretched state budgets, further accelerating the cuts in state jobs.

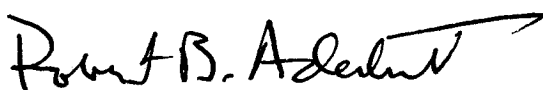
We are also concerned that the increased compliance costs under the subtitle C option will translate into increased energy rates for millions of American consumers, which will unnecessarily inhibit consumer spending and further burden our collective goal of an economic recovery.


In short, there is simply no basis to pursue the subtitle C option for CCB with its attendant adverse impacts on jobs creation and economic recovery, when an equally protective and more cost-effective alternative is available for CCB under RCRA's subtitle D non-hazardous waste program. We therefore strongly encourage EPA to pursue the subtitle D option in the final CCB rule.

Thank you for your attention to this important matter.

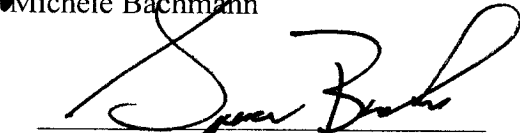
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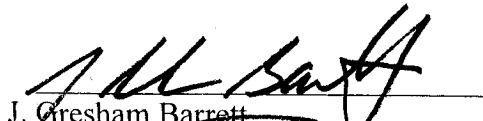
  
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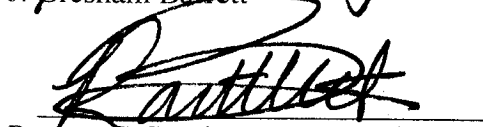
  
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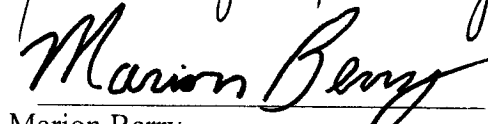
  
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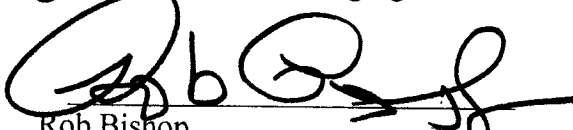
  
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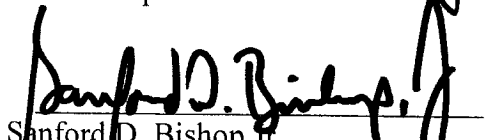
  
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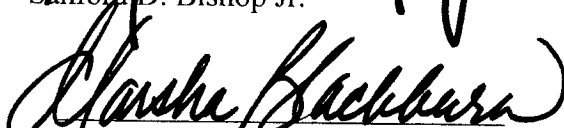
  
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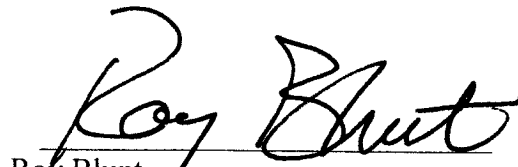
  
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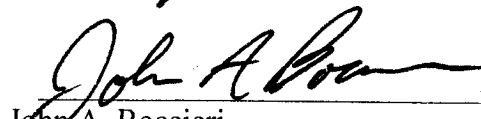
  
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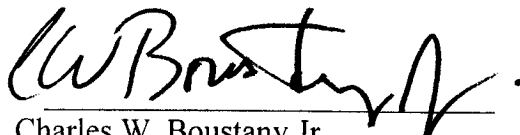
  
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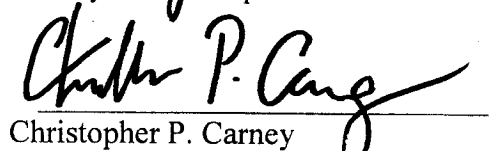
  
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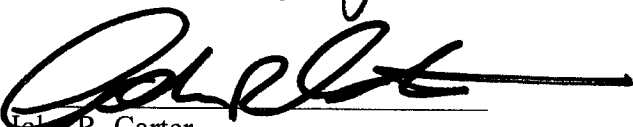
  
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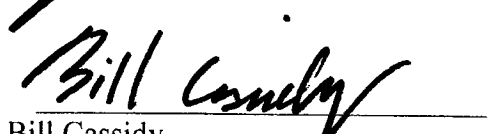
  
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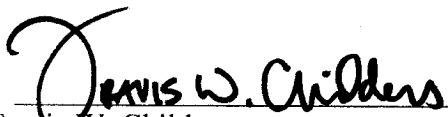
  
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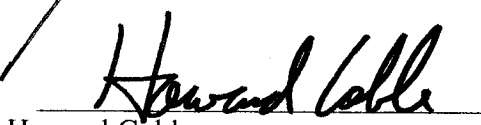
  
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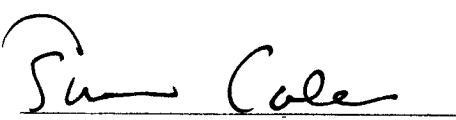
  
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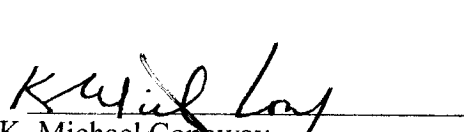
  
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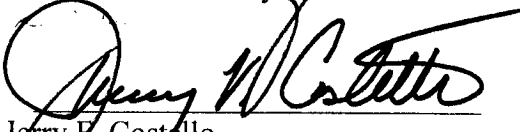
  
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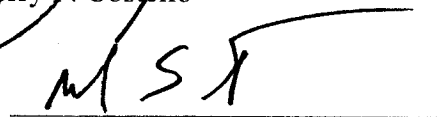
  
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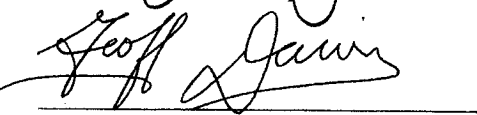
  
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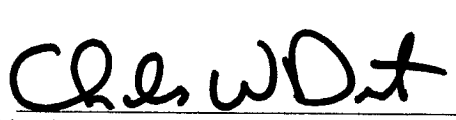
  
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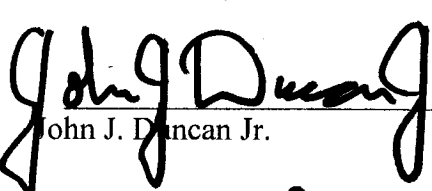
  
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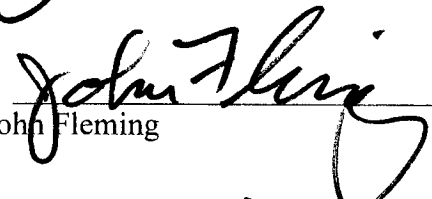
  
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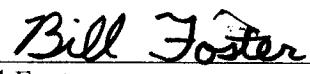
  
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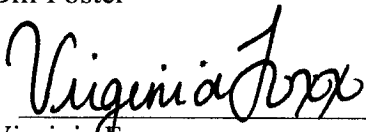
  
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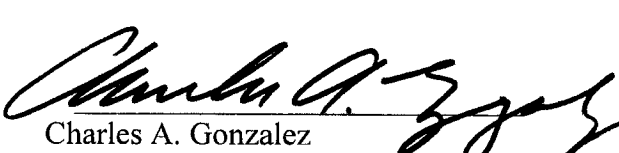
  
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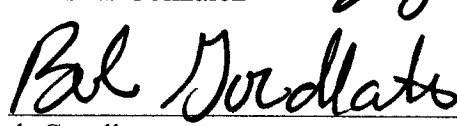
  
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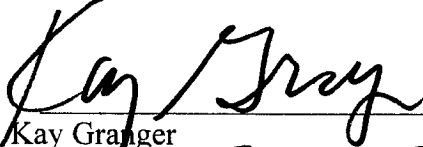
  
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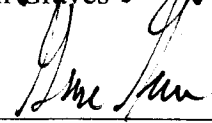
  
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Robert E. Latta

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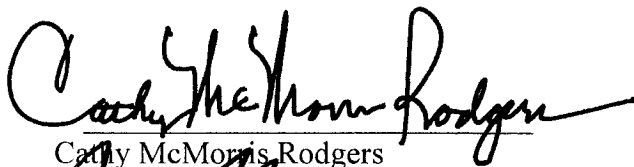
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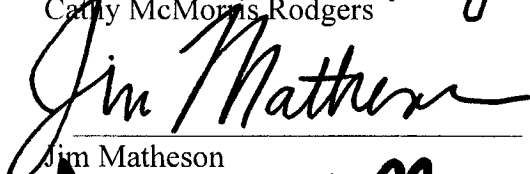
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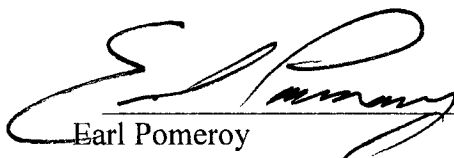
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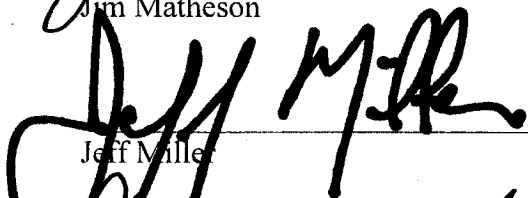
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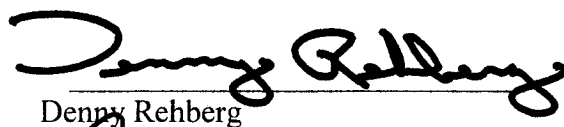
  
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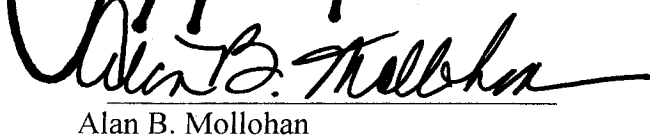
  
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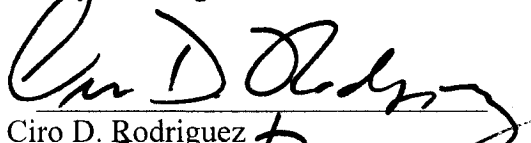
  
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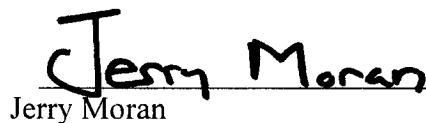
  
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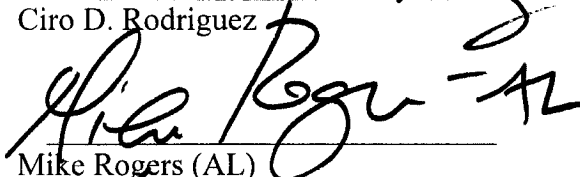
  
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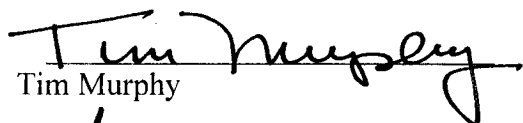
  
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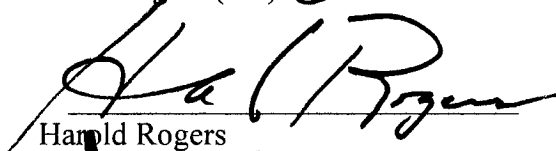
  
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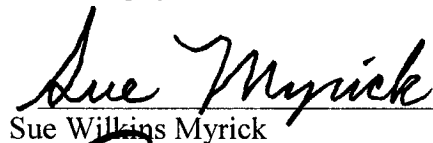
  
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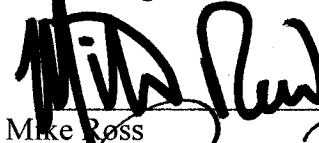
  
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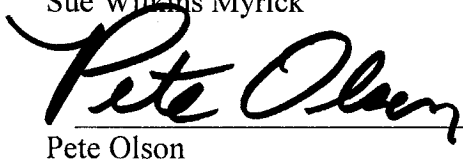
  
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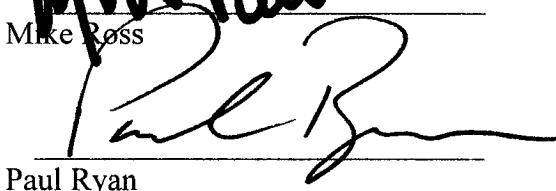
  
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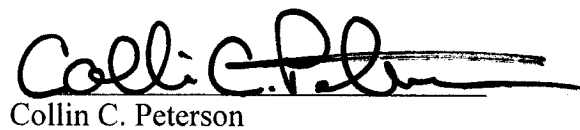
  
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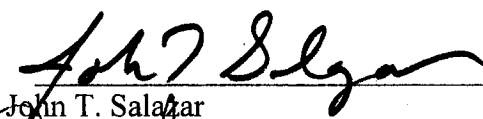
  
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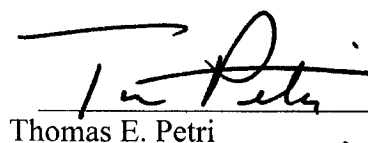
  
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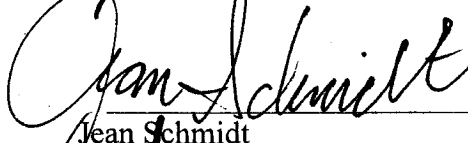
  
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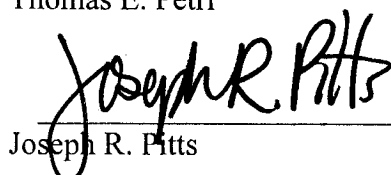
  
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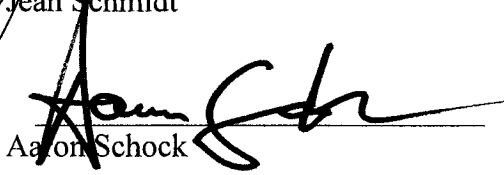
  
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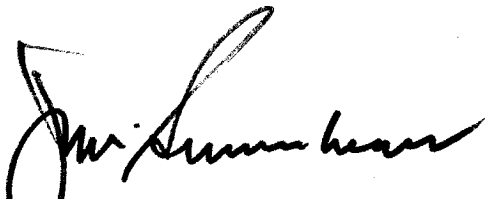
  
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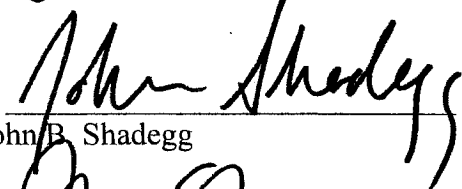
  
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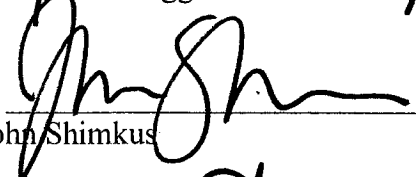
  
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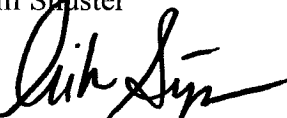
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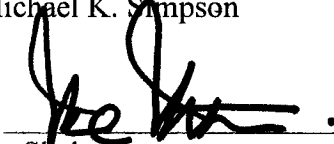
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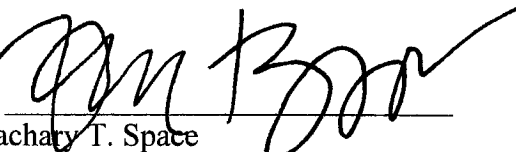
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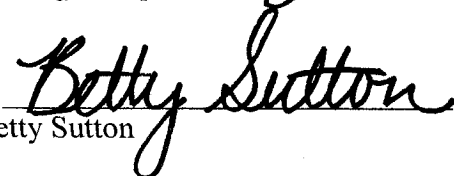
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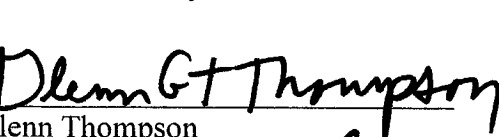
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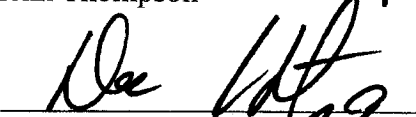
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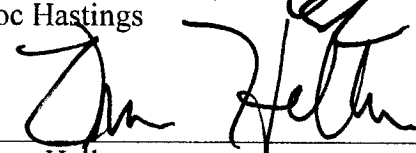
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Glenn Thompson



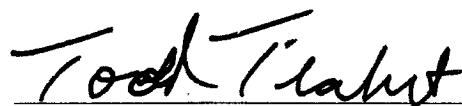
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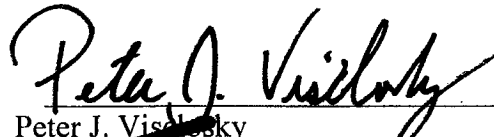
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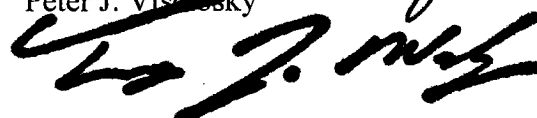
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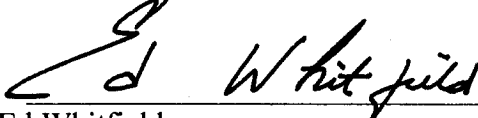
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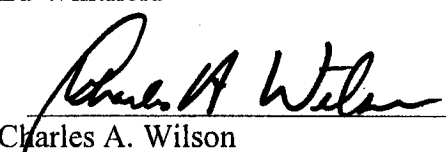
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Lynn A. Westmoreland



Ed Whitfield



Charles A. Wilson



Joe Wilson



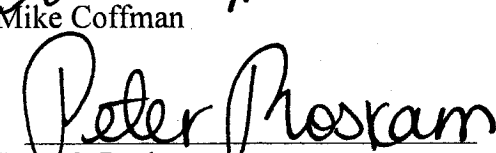
Robert J. Wittman



Don Young



Mike Coffman



Peter J. Roskam



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP - 1 2010

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Dear Congressman Roskam:

Thank you for your letter of July 29, 2010 to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, expressing your interest in EPA's proposed rulemaking governing the management of coal combustion residuals (CCRs) and the potential adverse impacts associated with a possible re-classification of CCRs as a hazardous waste. I appreciate your interest in these important issues.

In the proposed rule, EPA seeks public comment on two approaches available under the Resource Conservation and Recovery Act (RCRA). One option is drawn from remedies available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities which are narrower in scope and would be enforced primarily by those states who adopt their own coal ash management programs and by private citizen suits. EPA estimated the potential impact of the proposed rule on electricity prices assuming that 100% of the costs of the rule would be passed through to coal-fired electric utility customers. EPA estimated a potential increase of 0.015 cents per kilowatt-hour under the Subtitle D option to 0.070 cents per kilowatt-hour under the Subtitle C option in potential average electricity prices charged by coal-fired electric utility plants on a nationwide basis.

EPA is not proposing to regulate the beneficial use of CCRs. EPA continues to strongly support the safe and protective beneficial use of CCRs. However, EPA has identified concerns with some uses of CCRs in an unencapsulated form, in the event proper practices are not employed. The Agency is soliciting comment and information on these types of uses.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, reading "Mathy Stanislaus". The signature is written in a cursive, flowing style.

Mathy Stanislaus  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

August 2, 2010

Administrator Lisa Jackson  
Environmental Protection Agency  
1200 Pennsylvania Avenue  
Washington, DC 20460-3300

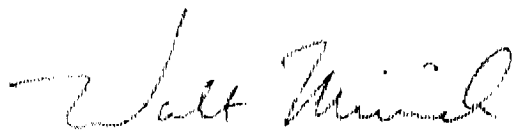
Dear Administrator Jackson:

We are writing to express our concern about the proposed Boiler MACT rule -- the Maximum Achievable Control Technology rule for industrial, commercial and institutional boilers and process heaters -- that was published on June 4<sup>th</sup>. As our nation struggles to recover from the current recession, we are deeply concerned that the potential impact of pending Clean Air Act regulations could be unsustainable for U.S. manufacturing and the high-paying jobs it provides. As the national unemployment rate hovers around 10 percent, and federal, state, and municipal finances are in dire straits, hundreds of thousands of manufacturing workers have lost their jobs in the past year alone. The flow of capital for new investment and hiring is still seriously restricted, and could make or break the viability of continued operations. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities, federal facilities, and commercial entities. While we support efforts to address serious health threats from air emissions, we also believe that regulations can be crafted in a balanced way that sustains both the environment and jobs.

We understand that the Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country. Thus, we appreciate your willingness, as expressed in your responses to other recent Congressional letters, to consider flexible approaches that appropriately address the diversity of boilers, operations, sectors, and fuels that could prevent severe job losses and billions of dollars in unnecessary regulatory costs. The proposal asks for comment on an approach that would allow facilities to demonstrate that emissions of certain pollutants do not pose a public health threat. The discussion concludes that the use of the authority under section 112(d)(4) is discretionary and the Agency does not support its use in Boiler MACT. We believe that provision reflects Congress' intent to provide for flexibility where there is not a public health threat. In such cases, it makes sense to allow that approach in the final rule for threshold substances such as hydrogen chloride and manganese. In addition, EPA should use a method to set emissions standards that is based on what real world best performing units actually can achieve. EPA should not ignore biases in its emissions database, the practical capabilities of controls or the variability in operations, fuels and testing performance across the many regulated sectors.

As EPA turns to developing a final Boiler MACT rule, we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law. Thank you for your consideration of these views.

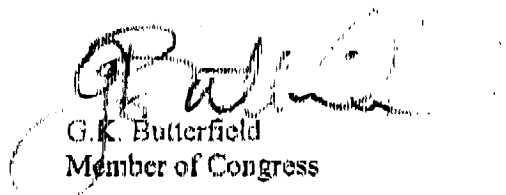
Sincerely,



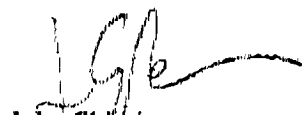
Walt Minnick  
Member of Congress



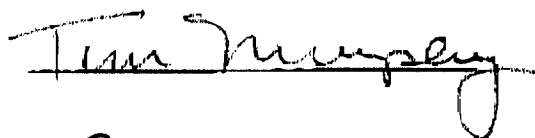
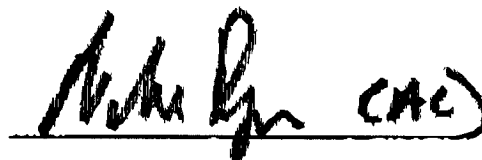
Robert B. Aderholt  
Member of Congress

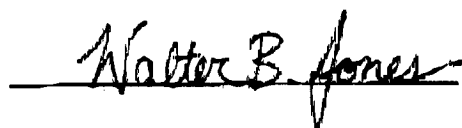
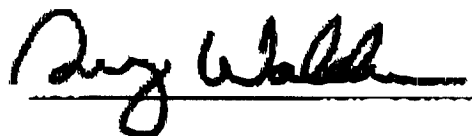
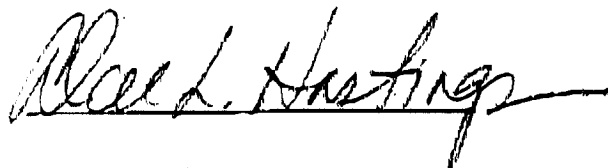


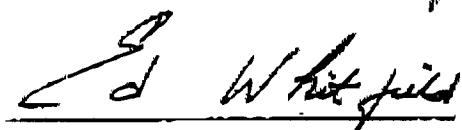
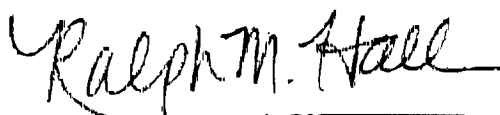
G.K. Butterfield  
Member of Congress

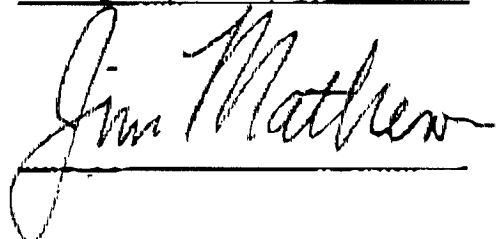


John Shinkus  
Member of Congress



Scott Murphy

Bob B

Glenn GT Thompson

Arturo Davis

Carlson

Tamara

Kenny MacInt

Phil King

Candice S. Miller

MTB

mel Roga (mz. 8)

Wally Heger

Bill Shuster

John Brown

Cathy Jeffrey

Sue Myrick

Keri Brown

dharm Blackwell

Gregg Harper

Rodney dayton

Charles J. Melton  
LA-03

Paul Davis

Robert Griffith

Joseph R. Pitts

Harold

Phil Kane

David Seale

Charles P. Cag

Jim Marshall

Robert M. Mays

John E.

Chad

William

Samuel

Brett Sathorn

David Schmitt

Greg Kinn

Jon Schmitt

Kathy D. Hoge

John J. Dunning

John Brennan

Gerald P. Lunnis

Steve Chaffin

John Fleming

Jeff Davis

William J. ...

Bob Smith

Billy Bryant

Paul ...

Steve Kagen MD

Ann ...

John Spruiell

Kurt Schuster

Leonard L. Bavel

Virginia Foxe

John ...

John ...

Bob Elster

Michael H. Michael

Joe Donnell

Dick Boucher

Spencer Barker

Jo Bonner

Marion Berry

Bill Owens

Pete Olson

Lee Holt

Harvard White

Bart Stupak

Bob Goodlatte

Joni Ouster

Tim Peter

Jenny Rollberg

Mike McIntyre

Rich Lipp

Fred Martin

James W. Childers

Daniel Lipinski

Robert J. Bump

Shelley Moore Capito

Gunn Emerson

ECM

Joseph Lee

Stephanie Pereth Sandlin

Mark Row

Jeff Miller

Colin Doherty

cc: Regina McCarthy, Environmental Protection Agency  
Robert Perciasepe, Environmental Protection Agency  
Robert Sussman, Environmental Protection Agency  
Cass Sunstein, Office of Management and Budget  
Lawrence Summers, National Economic Council





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**AUG 26 2010**

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter of August 2, 2010, co-signed by 105 of your colleagues, to the U.S. Environmental Protection Agency (EPA) concerning the potential economic impact of the proposed standards for industrial, commercial, and institutional boilers and process heaters (the Boiler MACT). The Administrator asked that I respond to your letter.

As you may know, EPA's maximum achievable control technology standards, or MACT standards, are based on the emissions levels already achieved by the best-performing facilities. When developing a MACT standard for a particular source category, EPA looks at the level of emissions currently being achieved by the best-performing similar sources through clean processes, control devices, work practices, or other methods. These emission levels set a baseline (often referred to as the "MACT floor") for the new standards. To set the MACT floor, EPA follows a series of steps. First, EPA ranks the performance of each unit for which we have data from lowest to highest emitting. Second, we average the emissions of the top performing 12 percent of units, taking into account the variability in the performance of those units. Third, we incorporate this statistical variability to set the numerical emission limit. We repeat this process for each air toxic in a category. At a minimum, a MACT standard must achieve, throughout the industry, a level of control that is at least equivalent to the MACT floor. EPA can establish a more stringent standard when this makes economic, environmental, and public health sense.

These rules are an important part of our continued commitment to reducing toxic air pollution in communities. Many of the approaches that facilities may choose to meet the proposed emission limits have been available and in use for decades – from add-on control technologies such as baghouses, carbon injection or scrubbers to good combustion practices and increased energy efficiency.

When completed, the boiler rules would improve air quality by reducing emissions of highly toxic chemicals – including mercury and lead – from sources nationwide. Combined, the boiler proposals would reduce more than 16,000 pounds of mercury emissions – including deep cuts in mercury emissions from industrial boilers, which are among the top three sources of mercury emissions in the United States. Mercury and lead can cause adverse effects on children's developing brains, including effects on IQ, learning, and memory. The boiler rules

would also reduce emissions of other pollutants including cadmium, dioxin, furans, formaldehyde and hydrochloric acid. These pollutants can cause cancer or other adverse health effects in adults and children.

We estimate the proposed cuts would have direct benefits to many communities where people live very close to these units – including combined health benefits estimated at \$18 billion to \$43 billion annually. As proposed, each year these rules would avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms.

In your letter, you request that EPA give appropriate attention to the economic impacts of the boiler rules, including the potential for job losses resulting from the large capital costs that may be required to meet the standards. The public comment period for the proposed rulemakings closed on August 23, 2010, and we are in the process of summarizing the comments, including those contained in your letter, so that we can make informed decisions using all of the information that is available to us. To the extent that new information has been provided that supports changes to the standards that could lessen the economic impacts while still fulfilling our obligations under the statute, we will give full consideration to such information. In addition, we specifically requested comment on several flexible approaches that could lessen the economic impacts of the rules, and to the extent that we receive new information that demonstrates that such provisions are allowed under the statute, we will revise the final rule as appropriate. We requested that additional data be provided to EPA so that the standards can be based on a robust data set that accurately portrays the emission reductions achieved by the best performing sources, including variability. We will incorporate new data into our analyses as we develop the final standards.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, stylized flourish at the end.

Gina McCarthy  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

September 29, 2010

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

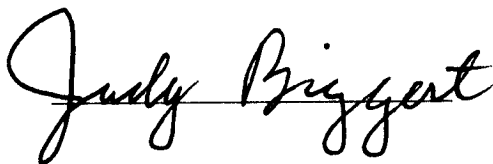
Dear Administrator Jackson:

We write to request a review of the Environmental Protection Agency's (EPA) Guidance regarding the use of Selective Catalytic Reduction (SCR) technology in heavy-duty diesel engines. Specifically, we ask EPA to ensure that all heavy-duty diesel engines that utilize SCR technology are highly resistant to tampering and meet 2010 NOx emissions standards.

We acknowledge and recognize your efforts to respond to concerns raised throughout the rulemaking process. While those concerns were included in the final rule, we believe further review is needed to ensure that the safety and environmental intent of this regulation is met in all EPA certifications of heavy-duty diesel engines used on the highway.

We appreciate your attention to our concerns and your efforts to implement the 2010 NOx standards in a manner that will guarantee safety and emissions reductions on U.S. roads and highways.

Sincerely,

  
Judy Biggert

  
Mike Quigley

  
John Shim IL-19

  
Bill Foster

Am Sch

Peter Proskam

Daniel Zigeinaki



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 19 2010

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter dated September 29, 2010, co-signed by six of your colleagues, requesting a review of the U.S. Environmental Protection Agency's (EPA) guidance on the use of Selective Catalytic Reduction (SCR) technology on heavy duty diesel engines. You specifically wanted EPA to ensure that the SCR technology is highly resistant to tampering.

EPA believes the vast majority of engines and vehicles equipped with SCR technology are operating as designed and are meeting the required emission standards. However, we are aware of concerns about inappropriate maintenance and the possible tampering which could occur with the SCR technology.

On July 20, 2010, EPA and the California Air Resources Board (CARB) held a workshop to discuss new guidance for heavy duty diesel engines. At the workshop, EPA asked for comments on guidance designed to ensure proper operation of SCR technology.

EPA has received and reviewed the comments from the workshop. We plan to issue new guidance by the end of the year. We will also continue to work with CARB, the industry, and other stakeholders in ensuring that SCR engines continue to deliver air quality benefits for the nation.

Again, thank you for your letter. If you have further questions please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy".

Gina McCarthy  
Assistant Administrator

**PETER J. ROSKAM**

6TH DISTRICT, ILLINOIS

DEPUTY WHIP

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:

OVERSIGHT

INCOME SECURITY AND FAMILY SUPPORT

SELECT REVENUE MEASURES



# Congress of the United States

House of Representatives

Washington, DC 20515-1306

October 14, 2010

507 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4561  
(202) 225-1166 FAX

150 S. BLOOMINGDALE ROAD  
SUITE 200  
BLOOMINGDALE, IL 60108  
(630) 893-9670  
(630) 893-9735 FAX

[www.roskam.house.gov](http://www.roskam.house.gov)

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Federal Building  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Jackson:

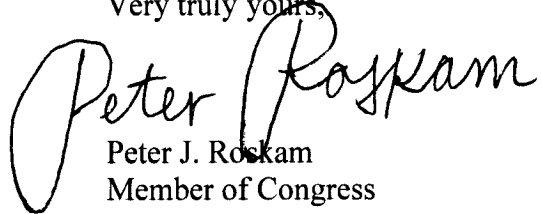
I am writing in regards to an outdated EPA standard on architectural coatings that could be misleading unsuspecting customers who believe they are purchasing environmentally friendly paint. The National Volatile Organic Compound Emission Standards for Architectural Coatings, also known as the "AIM" rule, was issued in 1999 under the Clean Air Act and sets limits of 250 to 450 g/L of Volatile Organic Compound (VOC) content depending on the type of paint. Limiting VOCs will have positive environmental and health effects. However, I believe language in this rule may have the unintended consequence of potentially misleading customers as to the actual VOC content in their paint. Moreover, I encourage the EPA to work with stakeholders to address this language in order to prevent false advertising by paint manufacturers and retailers.

As you know, VOCs react with the air to produce ozone. Research shows that VOCs in paints account for two to four percent of existing ozone-depleting substances in the U.S. and are a major component of smog.

Under the AIM rule, VOC limits are based on measurements taken "pre-tint," or before the base paint is tinted with colorant. It is widely known within the paint industry that as colorant is added to the base paint, the VOC levels of the paint rise dramatically. In fact, adding a colorant to a base paint can result in 24 times the amount of VOCs than were contained in the non-tinted paint. When customers buy paint, they are assuming that the final product – the tinted paint – has low VOC levels. Throughout the nation, paint customers are being misled because once color is added to their base paint, the VOC levels typically rise drastically. Moreover, labels such as "green" or "low VOC" are especially misleading, and should be limited to paint that has low VOC's post-tint.

Again, I hope stakeholders and the EPA can address this rule to better protect Americans from the harmful effects of VOCs, and to keep integrity in advertising environmentally safe products. Please feel free to contact Kevin Kuhlman on my staff at [kevin.kuhlman@mail.house.gov](mailto:kevin.kuhlman@mail.house.gov) or (202) 225-4561, with any questions or concerns.

Very truly yours,

A handwritten signature in black ink that reads "Peter Roskam". The signature is fluid and cursive, with the first name "Peter" and last name "Roskam" clearly legible.

Peter J. Roskam  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 17 2010

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your October 14, 2010, letter about the Architectural and Industrial Maintenance Coatings (AIM) rule. You expressed concern that the language required for the labeling of paint may mislead consumers regarding the volatile organic compound (VOC) content of their paint.

As you stated in your letter, the labeling requirements in the AIM rule reflect the content of the coating as delivered to the retailer, including any recommended additives (e.g., thinning). The label does not reflect the VOC content after the retailer adds colorant to the consumer's specifications. As we review the AIM rule and revise it to reflect current technology, we will consider options for providing consumers with the most accurate information on the complete coating being purchased. We anticipate proposing revisions to this rule in late 2011.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is written over a horizontal line.

Gina McCarthy  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

November 17, 2010

The Honorable Lisa Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Dear Administrator Jackson:

We write to you today to express our concern regarding the Environmental Protection Agency's (EPA) reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground-level ozone. This action departs from the normal five-year NAAQS review schedule established by the Clean Air Act. We strongly support protecting the environment and ensuring the health of our constituents, but we have serious concerns that EPA's departure from regular order in relation to an Ozone NAAQS review will have a significant negative impact on the economies of our states without enhancing air quality. We are concerned proposals to lower the recently revised NAAQS will hurt working families and greatly increase operating costs for manufacturers during this time of serious economic difficulty.

As you know, the Clean Air Act requires that EPA conduct a detailed review of each NAAQS every five years. This review, with extensive process, public input and comment, was last completed for the ozone standard in 2008. Some groups argued for a significant tightening of the standard and others, including respected members of the scientific community, believed that the existing ozone standard was adequately protective. In the end, EPA strengthened its existing 0.084 ppm standard to a much more stringent 0.075 ppm, declared that level adequately protective of human health and the environment, and commenced preparations for the next five year review.

When EPA changed the ozone standard in 2008, many of our states were still coming into attainment of the old .084 ppm standard, and suffered significant economic and growth restrictions under the required state implementation plan (SIP). States must again revise their SIPs to meet EPA's more stringent 0.075 ppm standard, with even more adverse economic impacts.

This year, despite being midway through the ongoing five year NAAQS review process, EPA has proposed to bypass the transparency and technical input afforded by that statutory process and apply a more aggressive and costly ozone mandate. Moreover, it does not appear that EPA is relying on any new scientific evidence in its decision, but is simply using the same data from 2008 to now reach a different conclusion.

Areas that will not be able to meet EPA's proposed new NAAQS will face increased costs to businesses, restrictions on development and expansion, and limits on transportation funding. EPA's new proposed standard could nearly triple the number of nonattainment areas and, under the high end of EPA's own estimate, add \$90 billion dollars per year to already high operating costs faced by manufacturers, agriculture, and other sectors.

In addition, recent studies indicate that each affected state could lose tens of thousands of jobs, if not more. If our local businesses can't compete, our constituents will lose their jobs, their health care and other employee benefits for their families. Our communities will also lose local tax revenue critical to funding public education and municipal infrastructure.

We believe that we can and should continue to improve our environment, but we are concerned that EPA's action has real, detrimental impacts on the people they are trying to protect. Given the heavy job loss potential this policy could result in and the absence of any new scientific data, we strongly believe changing the current NAAQS standard outside of the ongoing five year review process is unnecessary.

Sincerely,

Mike Ross

Steve Smith

Chris A. Walker

Sue Myrick

Carol Brown

Joseph R. Pitts

Dorena Blackmore

Rick Bowden

Gene Smith

Jim Matheson

John H. ...

John ...

John ...

W. Cade Atkin

Lynn Jenkins

Bob Virlovy

Jerry Moran

Ray Blunt

Pat Limer

Bob St

Bob A. Jolly

Mr. Shady

Brett Gathorn

Steve King

Shirley K. King

G.T. Thompson

Carlson

Wally Harger

John Banner

for 7 Selzer

Peter Proskam

Michael Bachmann

Robert E. Jare

John Culberson

John Boozma

Steve

Sam Johnson

John Kline

Ch. R. R. R.

Blair

Geoff Jarvis

John F. King

John Chaffin

Harold Rogers

Pete Sess

Steve Sealise

Joe Dault

Steve Burger

~~Sam H. H.~~

Jeff Fanning

Bill Casady

## List of Signatures

1. Mike Ross
2. Rick Boucher
3. Ike Skelton
4. Gene Green
5. Charlie Wilson
6. Jim Matheson
7. Sue Myrick
8. Zack Space
9. Paul Broun
10. John Carter
11. Joseph Pitts
12. John Sullivan
13. Marsha Blackburn
14. Todd Akin
15. Lynn Jenkins
16. Steve King
17. Peter Viscolosky
18. Sheila Jackson-Lee
19. Jerry Moran
20. Glenn Thompson
21. Roy Blunt
22. Dan Boren
23. Patrick Tiberi
24. Wally Herger
25. Rob Bishop
26. John Barrow
27. Charles Gonzalez
28. John Salazar
29. John Shadegg
30. Peter Roskam
31. Brett Guthrie
32. Michele Bachmann
33. Robert Latta
34. John Culberson
35. John Boozman
36. Sam Graves
37. Sam Johnson
38. John Kline
39. Charles Boustany
40. Blaine Luetkemeyer

41. Geoff Davis
42. John Flemming
43. Jason Chaffetz
44. Harold Rogers
45. Pete Sessions
46. Steve Scalise
47. Joe Donnelly
48. Steve Buyer
49. Darrell Issa
50. Cliff Stearns
51. Bill Cassidy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 21 2010

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Roskam:

Thank you for the letter that you sent to Administrator Lisa Jackson on November 17, 2010, about the U.S. Environmental Protection Agency's (EPA's) reconsideration of the 2008 National Ambient Air Quality Standard (NAAQS) for ground-level ozone. The Administrator has asked me to respond on her behalf.

In your letter, you expressed concern over the Agency's decision to reconsider the 2008 standard, the Agency's reliance on the 2008 scientific record as the basis for the reconsideration, and the potential economic consequences of adopting a more stringent standard. I would like to respond to each of those concerns.

Administrator Jackson decided to reconsider the 2008 standard of 0.075 ppm, because it was significantly less protective of public health than even the least protective end of the 0.060-0.070 ppm band that the Congressionally-established Clean Air Science Advisory Committee (CASAC) had recommended. The difference in public health impact – up to 12,000 premature deaths, 58,000 cases of aggravated asthma, and up to \$100 billion dollars in health costs – is by no means trivial.

The reconsideration rests on the more than 1,700 scientific studies in the record as of 2008. EPA's Office of Research and Development has conducted a provisional assessment of relevant studies completed since 2008, and has found that they do not materially change the conclusions of the 2008 assessment.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence. EPA is prohibited from considering costs or ease of implementation in setting or revising the NAAQS. However, we can and do consider costs during the implementation process, and we will work with states and local areas to help identify cost-effective implementation solutions to meet any revised standards.

As part of EPA's extensive review of the science, Administrator Jackson will ask CASAC for further interpretation of the epidemiological and clinical studies they used to make their recommendation. Also, to ensure EPA's decision is grounded in the best science, EPA will review the input from CASAC before the new standard is selected. Given this ongoing scientific

review, EPA intends to set a final standard in the range recommended by the CASAC by the end of July, 2011. Furthermore, EPA is moving forward with a number of other national rules that will significantly reduce pollution and improve public health for all Americans - rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

October 26, 2011

Administrator Lisa P. Jackson  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson,

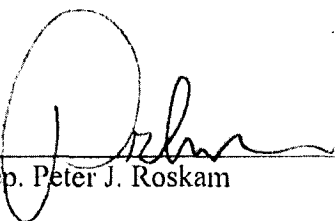
We are writing to you today in support of Oak Brook, Illinois-based Federal Signal Corporation's request for an exemption from certain engine requirements for 2012 in order to prevent serious economic hardship to the company and its employees. The company has made this request for an exemption under existing EPA authority.

Federal Signal is deserving of an exemption due to the fact that, for reasons beyond its control, the company has been unable to procure engines needed to equip its environmental service vehicles. Engine manufacturers have experienced greater than normal technical issues in providing new Tier 4i engines, difficulties that were not contemplated in the original 2004 rule.

Of particular concern to us is that Federal Signal will have to scale back production at its manufacturing facilities should it not receive an exemption. The jobs of around 300 workers will be threatened in the absence of a waiver that would only affect around 300 engines nationwide. Illinois now has a 10 percent unemployment rate, and any additional layoffs will exacerbate an already difficult economic climate in our State.

Federal Signal has been manufacturing in Illinois for over 90 years and merits the granting of this temporary relief due to the unusual circumstances that have placed the company into its current position.

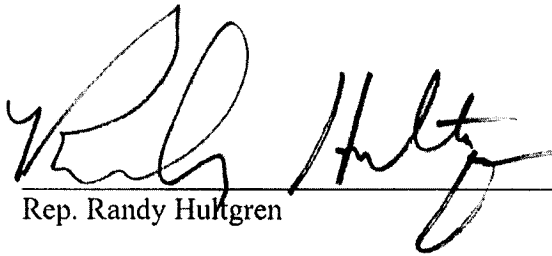
Sincerely,

  
Rep. Peter J. Roskam

  
Senator Mark Kirk

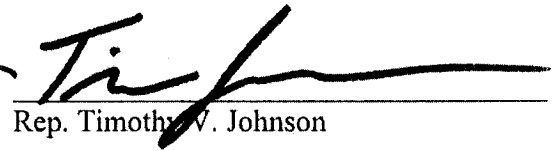
  
Rep. Judy Biggert

  
Rep. Robert Dold



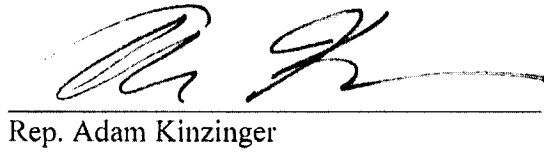
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Rep. Randy Hultgren



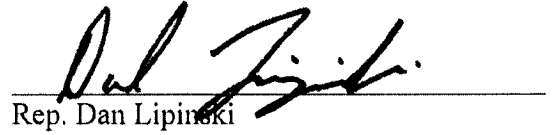
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Rep. Timothy V. Johnson



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Rep. Adam Kinzinger



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Rep. Dan Lipinski



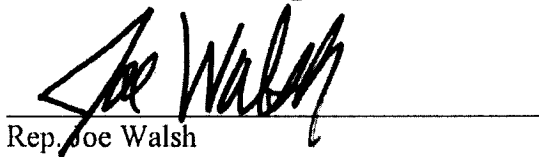
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Rep. Donald Manzullo



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Rep. Aaron Schock



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Rep. Joe Walsh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 16 2011

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter dated October 26, 2011, co-signed by 10 of your colleagues, in which you express concerns about the impact of Tier 4 engine emission regulations on Federal Signal Corporation (Federal Signal). As you may be aware, Federal Signal submitted a request to the U.S. Environmental Protection Agency on October 12, 2011, seeking hardship relief from the Tier 4 requirements. Since then, we have been working with the company to determine its eligibility for additional exemption allowances beyond those already provided under our regulations.

We give careful and serious consideration to hardship applications such as the one we received from Federal Signal. We are deliberate to ensure that our actions do not create any market disruptions or provide those companies granted hardship relief with competitive advantages over other companies that have been able to comply with the applicable regulations. Thus far we have had productive exchanges with Federal Signal and intend to render a decision within the next few weeks.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, which appears to read "Gina McCarthy", is positioned above the printed name.

Gina McCarthy  
Assistant Administrator

# Congress of the United States

## House of Representatives

Washington, DC 20515

August 1, 2012

Administrator Lisa P. Jackson  
U.S. Environmental Protection Agency  
Room 300, Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson:

As serious drought conditions continue moving across nearly two-thirds of the country, we are at a critical juncture where federal policy meets real world realities. Because of these extreme weather conditions, corn prices are spiking and some analysts are predicting that the U.S. may experience a corn shortage this summer. Relief from the Renewable Fuels Standard (RFS) is extremely urgent because another short corn crop would be devastating to the animal agriculture industry, food manufacturers, foodservice providers, as well as to consumers. We urge you to adjust the RFS mandate for 2012 to account for the anticipated severe shortage in corn.

When Congress enacted the expanded RFS in the Energy Independence and Security Act of 2007 (EISA), the structure was complex. Given the 15 year statutory schedule imposed by the law -- including the specification of four different fuel mandates, each with a separate schedule -- Congress also wanted to ensure that certain "safety valves" for the RFS would be available. Thus, EISA retained and expanded Clean Air Act (CAA) section 211(o) (7). Among other provisions, CAA section 211(o)(7) allows the Administrator of the EPA to reduce the required volume of renewable fuel in any year based on severe harm to the economy or environment of a state, a region or the United States, or in the event of inadequate domestic supply of renewable fuel.

The waiver provisions in CAA section 211(o) (7) are an important part of Congress' intended implementation of the RFS. They help ensure that the domestic economy and environment are protected as we ramp up production and use of renewable fuels and move to broader use of advanced biofuels. Clearly, the Congress in 2007 anticipated that unforeseen circumstances would require the Environmental Protection Agency (EPA) to exercise flexibility with the RFS. We believe that the current weather situation in the United States calls for exactly the kind of flexibility that was envisioned.

One of the nation's worst droughts in fifty years has hit the Midwest especially hard at a very sensitive time for the U.S. grain crops. Earlier this month, the United States Department of Agriculture in its monthly World Agriculture Supply & Demand Estimates (WASDE), announced the largest decline in month-to-month potential yield for corn in its history.

Currently, only about 31 percent of the corn crop is in "good" or "excellent" condition, representing record lows. While improved weather over the coming weeks may increase yields, much of the damage has already been done. There is not time to replant or find new corn stocks, making it necessary for the government to manage this severe situation.

As a result of these deteriorating conditions, corn prices have risen dramatically over the past few weeks and are likely to remain at record highs. This means literally billions of dollars in increased costs for livestock and poultry producers, and food manufacturers. These dramatic increases put food processing jobs at risk and could cost many family farmers their livelihoods. It is also worth noting that high corn prices have forced some ethanol producers to idle or shutter their plants, costing jobs. Although consumers may not feel the impacts of these increased costs right away, the inevitable result will be more expensive food for Americans and consumers around the world.

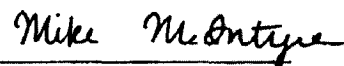
As you are aware, U.S. corn prices have consistently risen, and the corn market has been increasingly volatile, since the expansion of the RFS in 2007. This reflects the reality that approximately 40 percent of the corn crop now goes into ethanol production, a dramatic rise since the first ethanol mandates were put into place in 2005. Ethanol now consumes more corn than animal agriculture, a fact directly attributable to the federal mandate. While the government cannot control the weather, it fortunately has one tool still available that can directly impact corn demand. By adjusting the normally rigid Renewable Fuel Standard mandate down to align with current market conditions, the federal government can help avoid a dangerous economic situation because of the prolonged record high cost of corn.

We therefore urge the EPA to consider a fair and meaningful nationwide adjustment to the Renewable Fuels Standard. Prompt action by the EPA can help to ease short supply concerns, literally save jobs across many U.S. industries, and keep families fed. We strongly urge you to exercise your authority and take the necessary steps to protect American consumers and the economy. Thank you for your immediate consideration of this request.

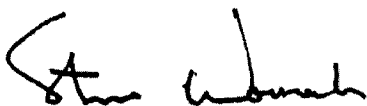
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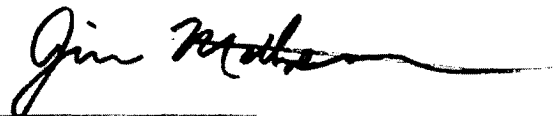
Bob Goodlatte  
Member of Congress




Mike McIntyre  
Member of Congress




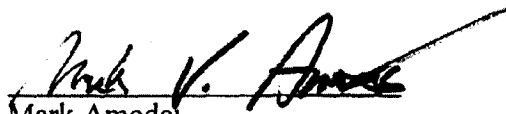
Steve Womack  
Member of Congress




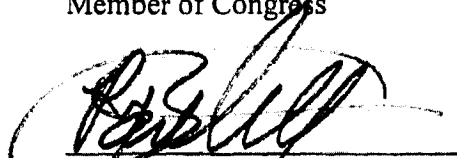
Jim Matheson  
Member of Congress

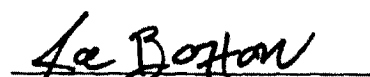
  
Sandy Adams  
Member of Congress

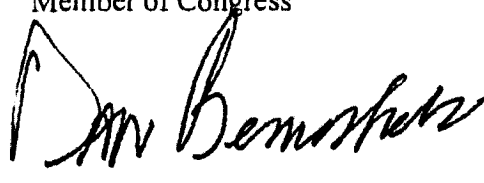
  
Robert Aderholt  
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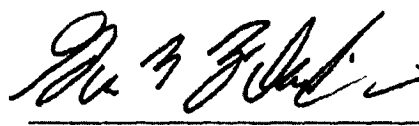
  
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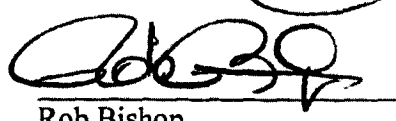
  
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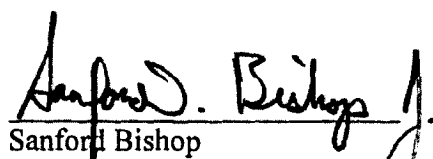
  
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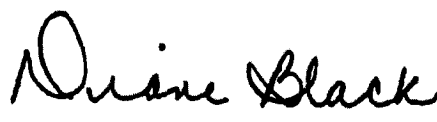
  
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Gus Bilirakis  
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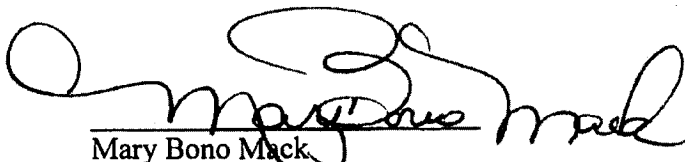
  
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Sanford Bishop  
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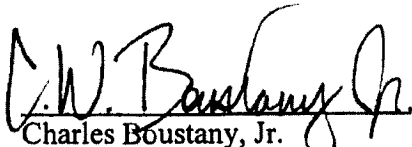
  
Diane Black  
Member of Congress

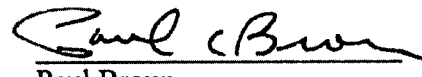
  
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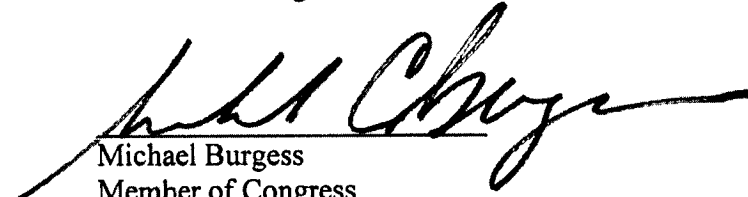
  
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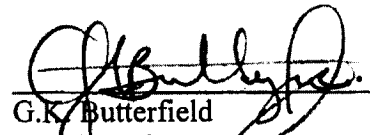
  
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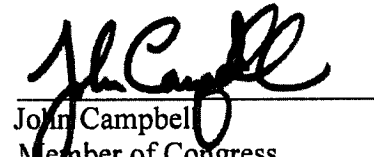
  
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Paul Broun  
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Michael Burgess  
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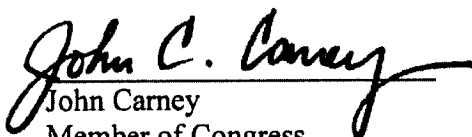
  
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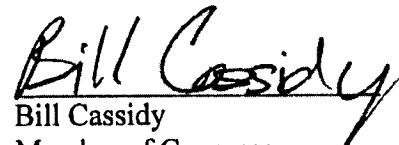
  
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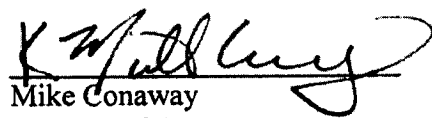
  
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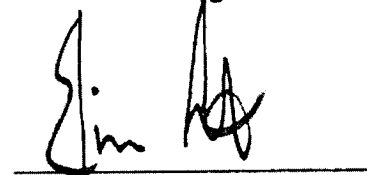
  
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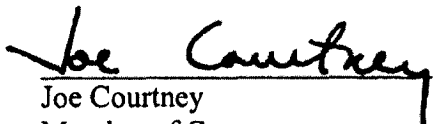
  
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Jason Chaffetz  
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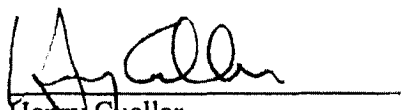
  
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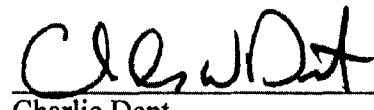
  
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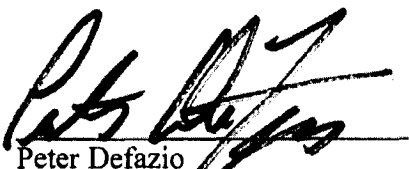
  
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Joe Courtney  
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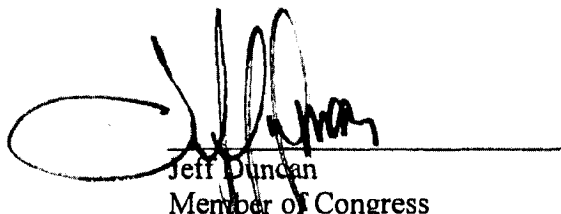
  
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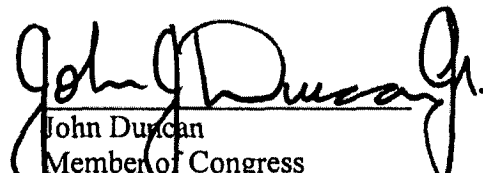
  
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Charlie Dent  
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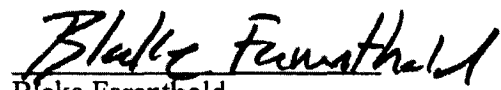
  
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Mario Diaz-Balart  
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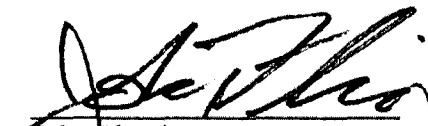
  
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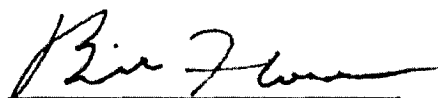
  
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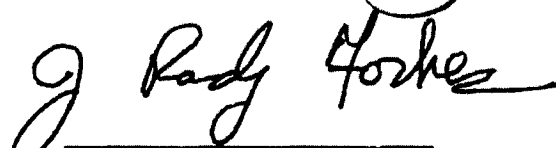
  
Renee Ellmers  
Member of Congress

  
Blake Farenthold  
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Jeff Flake  
Member of Congress

  
John Fleming  
Member of Congress

  
Bill Flores  
Member of Congress

  
Randy Forbes  
Member of Congress

Virginia Foxx

Virginia Foxx  
Member of Congress

Trent Franks

Trent Franks  
Member of Congress

Elton Gallegly

Elton Gallegly  
Member of Congress

John Garamendi

John Garamendi  
Member of Congress

Chris Gibson

Chris Gibson  
Member of Congress

Phil Gingrey

Phil Gingrey  
Member of Congress

Louie Gohmert

Louie Gohmert  
Member of Congress

Paul Gosar

Paul Gosar  
Member of Congress

Kay Granger

Kay Granger  
Member of Congress

Tom Graves

Tom Graves  
Member of Congress

Tim Griffin

Tim Griffin  
Member of Congress

H. Morgan Griffith

H. Morgan Griffith  
Member of Congress

Ralph Hall

Ralph Hall  
Member of Congress

Gregg Harper

Gregg Harper  
Member of Congress



Andy Harris  
Member of Congress



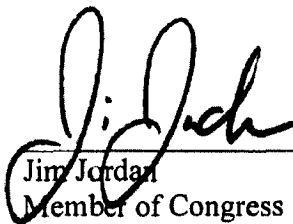
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Member of Congress



Darrell Issa  
Member of Congress



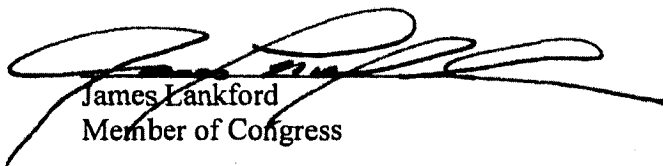
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Member of Congress



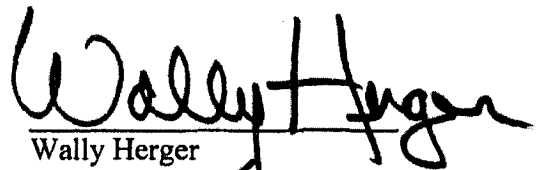
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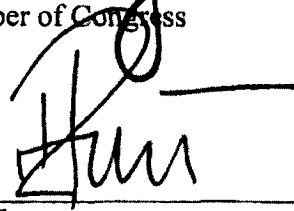
Larry Kissell  
Member of Congress



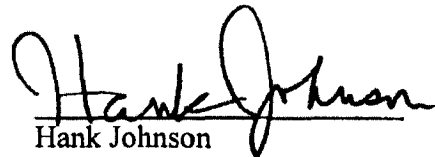
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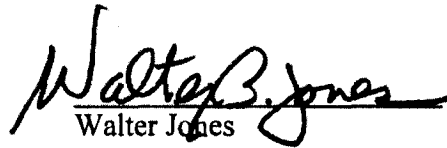
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Member of Congress



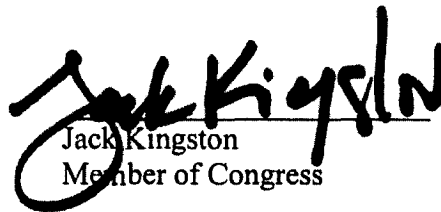
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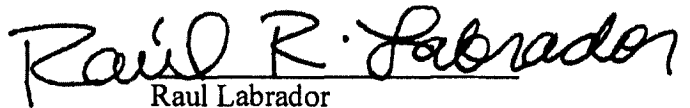
Hank Johnson  
Member of Congress



Walter Jones  
Member of Congress



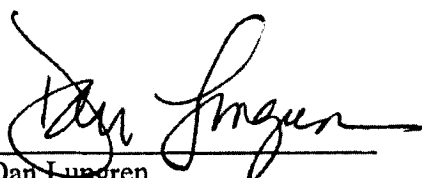
Jack Kingston  
Member of Congress





Raul Labrador  
Member of Congress





Billy Long  
Member of Congress

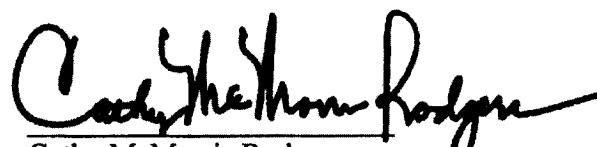
  
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Member of Congress


  
Tom Marino  
Member of Congress


  
Kevin McCarthy  
Member of Congress


  
Tom McClintock  
Member of Congress

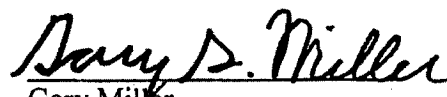
  
Buck McKeon  
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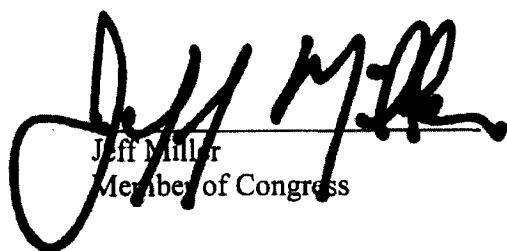
  
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Member of Congress

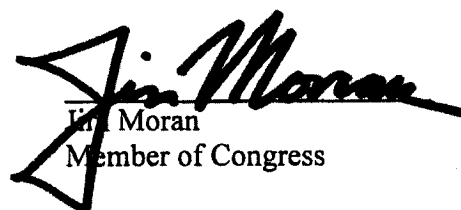
  
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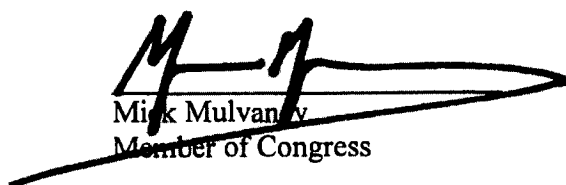
  
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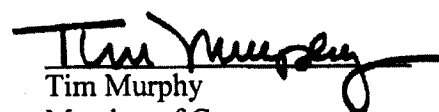
  
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Gary Miller  
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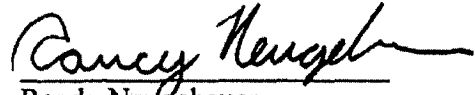
  
Jim Moran  
Member of Congress

  
Mick Mulvaney  
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Tim Murphy  
Member of Congress



Sue Myrick  
Member of Congress



Randy Neugebauer  
Member of Congress



Devin Nunes  
Member of Congress



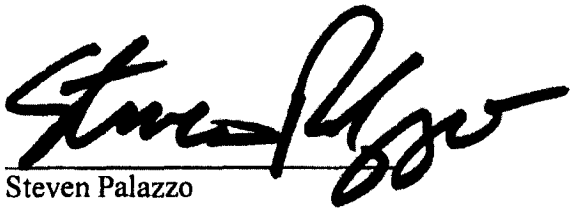
Alan Nunnelee  
Member of Congress



Pete Olson  
Member of Congress



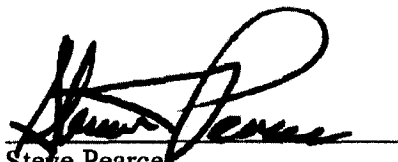
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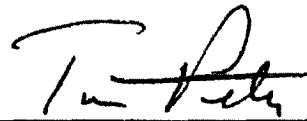
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Ron Paul  
Member of Congress



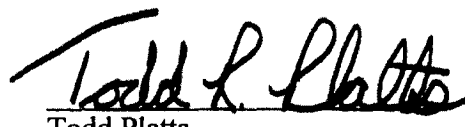
Steve Pearce  
Member of Congress



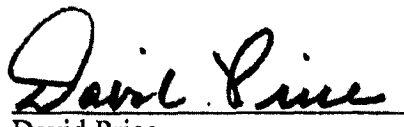
Tom Petri  
Member of Congress



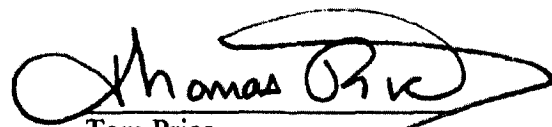
Joe Pitts  
Member of Congress



Todd Platts  
Member of Congress



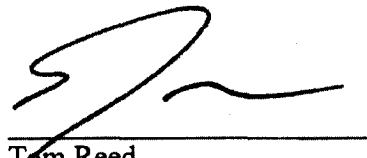
David Price  
Member of Congress



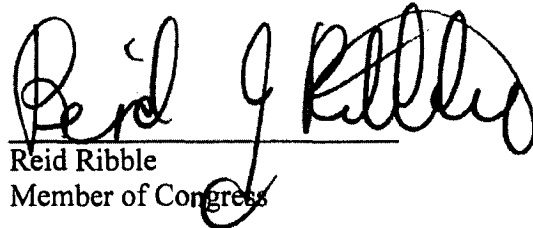
Tom Price  
Member of Congress



Ted Poe  
Member of Congress



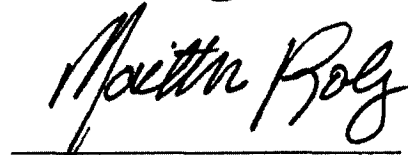
Tom Reed  
Member of Congress



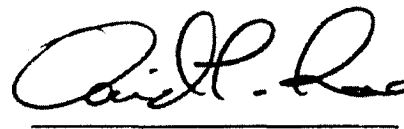
Reid Ribble  
Member of Congress



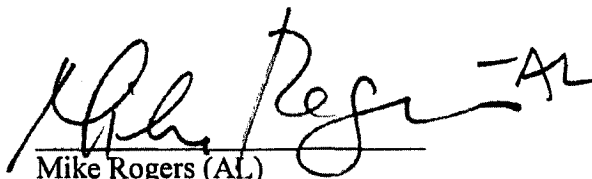
Scott Rigell  
Member of Congress



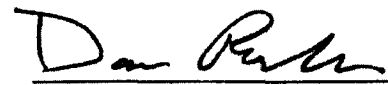
Martha Roby  
Member of Congress



Phil Roe  
Member of Congress



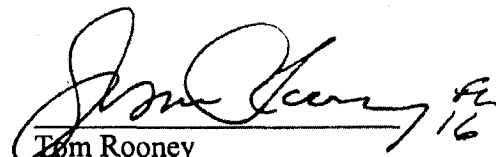
Mike Rogers (AL)  
Member of Congress



Dana Rohrabacher  
Member of Congress



Todd Rokita  
Member of Congress



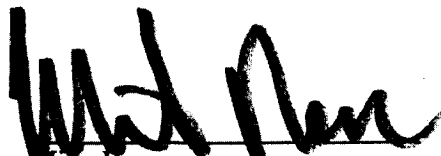
Tom Rooney  
Member of Congress



Peter Roskam  
Member of Congress



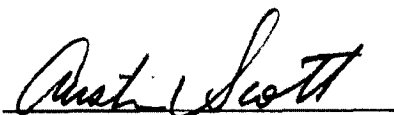
Dennis Ross  
Member of Congress



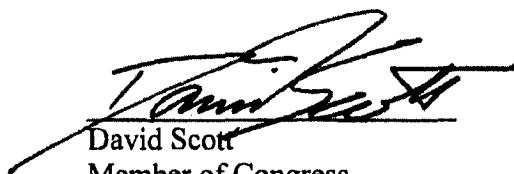
Mike Ross  
Member of Congress



Ed Royce  
Member of Congress



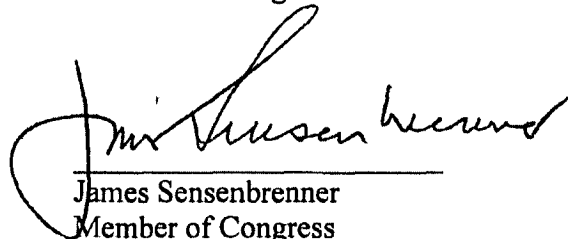
Austin Scott  
Member of Congress



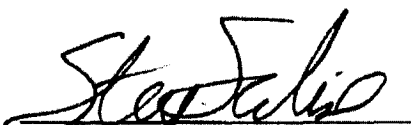
David Scott  
Member of Congress



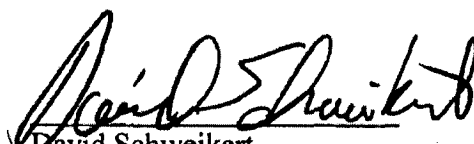
Tim Scott  
Member of Congress



James Sensenbrenner  
Member of Congress



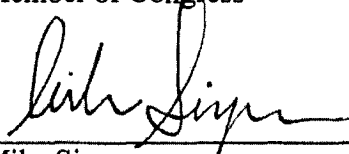
Steve Scalise  
Member of Congress



David Schweikert  
Member of Congress



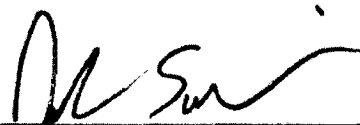
Bill Shuster  
Member of Congress



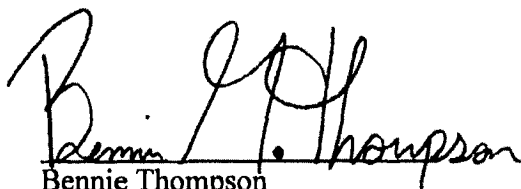
Mike Simpson  
Member of Congress



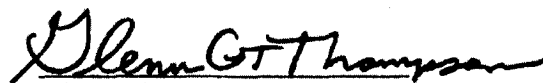
Lamar Smith  
Member of Congress



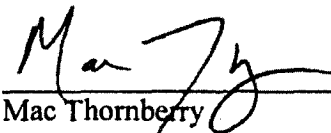
John Sullivan  
Member of Congress



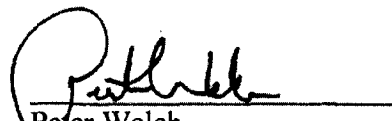
Bennie Thompson  
Member of Congress



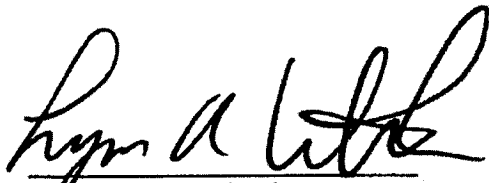
Glenn Thompson  
Member of Congress



Mac Thornberry  
Member of Congress



Peter Welch  
Member of Congress



Lynn Westmoreland  
Member of Congress



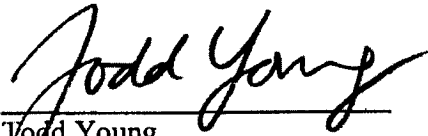
Joe Wilson  
Member of Congress



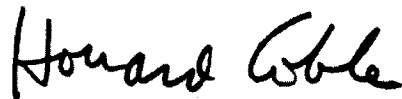
Robert Wittman  
Member of Congress



Rob Woodall  
Member of Congress



Todd Young  
Member of Congress



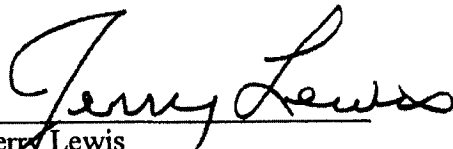
Howard Coble  
Member of Congress



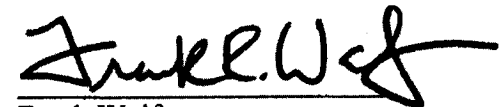
Chellie Pingree  
Member of Congress



Duncan Hunter  
Member of Congress



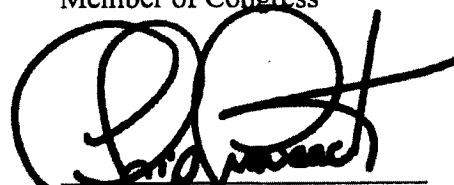
Jerry Lewis  
Member of Congress



Frank Wolf  
Member of Congress




David McKinley  
Member of Congress



Chip Cravaak  
Member of Congress

X McHENRY (N-10)

 TN-4

Ch. J. Finn TN-3

~~Zeigler~~ TX-08

Laetia Sanchez

John R. Carter

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Marcia T. Judge

Bobby Scott

Mo Brooks

Wick M. Al

Frank A. Lombardo

Joe Brown

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 31 2013

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter dated August 1, 2012, co-signed by 152 of your colleagues to U.S. Environmental Protection Agency Administrator Lisa P. Jackson, regarding a waiver of volume requirements under the Renewable Fuels Standard (RFS) program. The Administrator asked me to respond on her behalf.

Governors from several states and a number of organizations cited the drought conditions affecting much of the country in their request for a waiver of the national volume requirements for the RFS pursuant to the Clean Air Act. After extensive analysis, review of thousands of comments, and consultation with the Department of Agriculture (USDA) and the Department of Energy (DOE), the EPA denied the requests for a waiver in a decision published in the *Federal Register* on November 27, 2012.

The EPA recognizes that last year's drought has created significant hardships in many sectors of the economy, particularly for livestock producers. However, the agency's extensive analysis makes clear that Congressional requirements for a waiver have not been met and that waiving the RFS would have little, if any, impact on ethanol demand or energy prices over the time period analyzed.

The *Federal Register* notice contains a detailed description of the analysis the EPA conducted in conjunction with DOE and USDA, along with a discussion of relevant comments we received through our public comment process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is positioned above the printed name.

Gina McCarthy  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

November 21, 2012

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson,

We are concerned about the Environmental Protection Agency's (EPA) proposed rule to reduce National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM<sub>2.5</sub>). This proposed rule would impact our states and local communities by imposing burdensome new restrictions on economic growth -- just at the time these areas are struggling to attract much needed new jobs. The Agency is proceeding in an expedited fashion despite stakeholder comments stating that these regulations will impose an undue burden and despite telling a federal court last May that the Agency would need until August 2013 to review those comments and finalize the PM<sub>2.5</sub> rule.

EPA's proposal to lower PM<sub>2.5</sub> NAAQS comes as counties and states are showing tremendous success in implementing the current standards. According to EPA's own analysis, PM<sub>2.5</sub> emissions have been cut in half over the last ten years, dropping by 1.1 million tons per year. Air quality is also improving as average PM<sub>2.5</sub> concentrations have been reduced by 27% over that same period. While certain states continue their work to attain the current standards, they all share the achievement of cleaner air. EPA's proposal to further reduce PM<sub>2.5</sub> NAAQS unfairly moves the goalposts in mid-game, and puts many communities at risk of being stigmatized as non-attainment.

Reducing PM<sub>2.5</sub> NAAQS from the current 15 µg/m<sup>3</sup> to EPA's proposed range of 13 to 12 µg/m<sup>3</sup> will have wide-ranging impact across the country. EPA data indicates numerous counties meeting the current standard will fail this new more stringent range. Far more counties face non-attainment should EPA select 11 µg/m<sup>3</sup>, an outcome for which Agency accepted comments. When accounting for EPA designation and implementation policies, the proposed rule puts hundreds of counties at risk of non-attainment.

Counties designated as non-attainment areas face immediate, substantial, and long-lasting economic consequences. Existing facilities are often required to install new, expensive controls. Local infrastructure is impacted as federal funds for transportation projects are withheld unless those projects can be shown not to increase PM<sub>2.5</sub> emissions. New businesses seeking to build or upgrade operations must install the most effective PM<sub>2.5</sub> emissions controls, without consideration of cost, and are subject to enhanced EPA oversight. In addition, businesses must

offset new PM<sub>2.5</sub> emissions by paying for emissions reductions at existing facilities. In the absence of affordable offsets, new projects cannot proceed.

Moreover, restrictions do not end once non-attainment areas achieve the PM<sub>2.5</sub> NAAQS. Instead, these counties must petition EPA to be redesignated to attainment by submitting a complex maintenance plan listing numerous mandatory and long-lasting measures. The sum of all these non-attainment regulatory burdens is lost business investment in local communities, reducing tax revenues supporting local schools as well as first responders and effectively hamstringing any efforts to overcome present fiscal hardships.

In light of the substantial economic impact involved, and in keeping with President Obama's Executive Order 13563, we believe that the Agency should not force stringent new NAAQS too quickly. Doing so will hurt counties and states - many still implementing the current PM<sub>2.5</sub> NAAQS - struggling to move out of challenging economic conditions. Rather, EPA should maintain the current standards, and work with communities to continue the long-term trend of PM<sub>2.5</sub> emissions reductions.

Sincerely,

Rob E. Jatta

John T. Sauer

Gregory R. R.

Steve

Steve Custer

Jason Altmore

Bob Muhl

Bill Johnson

David B. Miller

John B. Miller

Jeff Duncan

Bill Shuster

Tim Murray

Frank Rogers

Shelley Moore Capito

Brett Guthrie

Jeff

Marsha Blackburn

Steve Myrick

Todd Roketa

Lyn A. Whitcomb

Alan Emerson

Bob Hallatt

Deane B. Adair

Michelle Bachmann

Loy Kinell

Pin 76

Bill Huizenga

W. Mark Goff

Jim L.

Steve King

M/S

Lee Davis

Galt Long

John Kline

Don Young

Rick Crawford

Ronnie Lehman

Amel D. Bogdan

John V. Voth

Pat Tiboni

Pete Olson

Jim Matheson

Spencer Bachus

Tom Petri

Peter Proskurn

Reid J. Hille

### **List of Signatures**

1. Rep. Bob Latta
2. Rep. John Barrow
3. Rep. James Lankford
4. Rep. Andy Harris
5. Rep. Steve Austria
6. Rep. Jason Altmire
7. Rep. Bob Gibbs
8. Rep. Bill Johnson
9. Rep. David McKinley
10. Rep. Brett Guthrie
11. Rep. Rob Bishop
12. Rep. James Renacci
13. Rep. Jeff Duncan
14. Rep. Marsha Blackburn
15. Rep. Bill Shuster
16. Rep. Sue Myrick
17. Rep. Tim Murphy
18. Rep. Todd Rokita
19. Rep. Harold Rogers
20. Rep. Lynn Westmoreland
21. Rep. Shelley Moore Capito
22. Rep. Jo Ann Emerson
23. Rep. Bob Goodlatte
24. Rep. Robert Aderholt
25. Rep. Michele Bachmann
26. Rep. Larry Kissell
27. Rep. Bill Flores
28. Rep. Bill Huizenga
29. Rep. H. Morgan Griffith
30. Rep. Tim Scott
31. Rep. Steve King
32. Rep. Mark Critz
33. Rep. Steve Stivers
34. Rep. Billy Long
35. Rep. John Kline
36. Rep. Don Young
37. Rep. Rick Crawford
38. Rep. Jim Matheson
39. Rep. Louie Gohmert

40. Rep. Spencer Bachus
41. Rep. Sanford D. Bishop, Jr.
42. Rep. Tom Petri
43. Rep. Joseph Pitts
44. Rep. Peter Roskam
45. Rep. Pat Tiberi
46. Rep. Reid Ribble
47. Rep. Pete Olson





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 14 2013

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter of November 21, 2012, co-signed by 46 of your colleagues, to U.S. Environmental Protection Agency Administrator Lisa P. Jackson, regarding the agency's review of the National Ambient Air Quality Standards (NAAQS) for particulate matter. The Administrator asked me to respond on her behalf.

On December 14, 2012, the EPA took important steps to protect the health of Americans from fine particle pollution by strengthening the primary annual standard for fine particles (PM<sub>2.5</sub>) to 12.0 micrograms per cubic meter (µg/m<sup>3</sup>) and retaining the 24-hour fine particle standard of 35 µg/m<sup>3</sup>. The agency also retained the existing standards for coarse particle pollution (PM<sub>10</sub>). The strengthened annual PM<sub>2.5</sub> standard will provide increased public health protection from a range of serious adverse impacts, including premature death and harmful effects on the cardiovascular system, and decrease hospital admissions and emergency department visits for heart attacks, strokes and asthma attacks.

Importantly, emissions reductions from EPA, state and local rules already on the books will help 99 percent of counties with monitors meet the revised PM<sub>2.5</sub> standards without additional emissions reductions. These rules include clean diesel rules for vehicles and fuels, and rules to reduce pollution from power plants, locomotives and marine vessels, among others. The EPA estimates that meeting the new fine particle standard will provide health benefits worth an estimated \$4 billion to \$9.1 billion per year in 2020 – a return of \$12 to \$171 for every dollar invested in pollution reduction.

Your comments and recommendations on the proposed rule were included in the public docket for this rulemaking and were considered, along with other public comments on the proposal, in the final decision-making process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over the typed name.

Gina McCarthy  
Assistant Administrator

# Congress of the United States

Washington, DC 20515

June 17, 2013

Administrator Robert Perciasepe  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Dear Administrator Perciasepe:

We are seeking clarification regarding the Environmental Protection Agency's (EPA) New Source Performance Standard (NSPS), Subpart UUU (40CFR, Part 60) for Calciners and Dryers in Mineral Processing Industries and recent enforcement actions against U.S. foundries. Specifically, we are concerned about why: a) EPA is enforcing the provisions of Subpart UUU against foundries when it never intended to include these type of facilities as a source category since metalcasting is not a mineral processing industry; and, b) why EPA has failed to promulgate an exemption for foundries from NSPS, Subpart UUU consistent with the original intent of the rule.

It is our understanding that it was not the EPA's intention to subject the foundry industry to this NSPS rule as metal casting is a separate industry from the mineral processors that Subpart UUU was intended to regulate. Furthermore, the original NSPS, Subpart UUU rule which was finalized in September 1992, did not list foundries as an affected industry nor did it designate applicable foundry Standard Industrial Classification (SIC) codes.

On April 22, 2008 (73 Fed. Reg. 21559), EPA proposed a regulation to specifically exempt foundries from the requirements of Subpart UUU (in part because the Agency never intended to cover foundries). The proposed regulatory language that EPA agreed to stated that, "processes used solely for the reclamation and reuse of industrial sand from metal foundries" shall be exempt from the requirements of Subpart UUU in the final rule. In April 2009 (74 Fed. Reg. 19294), EPA issued the final rule for Subpart OOO and noted in the preamble that it was not taking final action on the proposed revisions to Subpart UUU. It is our understanding that in subsequent discussions with EPA officials following the decision to take no final action on the exemption for foundries, EPA enforcement officials agreed that the Agency would not initiate enforcement actions against foundries for Subpart UUU requirements and would address the issue with individual facilities at the time of permit renewal.

In addition, EPA regions across the country have taken inconsistent positions on whether Subpart UUU should apply to foundry sand reclamation and reuse processes at foundries. Recently EPA Region V has initiated enforcement actions against foundries that included violations of Subpart UUU requirements. Although the recent enforcement actions are currently limited in geographic

scope to this region, we have significant concerns that enforcement efforts will be expanded to other areas in the country. As the EPA originally intended to exempt foundries from this regulation, we believe this new enforcement action is misguided.

EPA's recent efforts to impose Subpart UUU requirements on units used solely for the reclamation and reuse of industrial sand from foundries creates an unnecessary regulatory burden, uncertainty and increased costs for foundries. EPA Region V has initiated enforcement actions, even though the record is clear that Subpart UUU should not apply to foundries. By way of background, foundries are essential to the U.S. economy. Every sector relies on metal castings, with 90 percent of all manufactured goods and capital equipment incorporating engineered castings into their makeup. They produce castings that are integral to the automotive, construction, energy, aerospace, agriculture, plumbing, manufacturing, and national defense sectors. The American foundry industry provides employment for over 200,000 men and women directly and sustains thousands of other jobs indirectly. The industry supports a payroll of more than \$8 billion and sales of more than \$36 billion annually. Metalcasting plants are found in every state, and the industry is made up of predominately small businesses. Approximately 80 percent of domestic metalcasters have fewer than 100 employees.

Foundries utilize millions of tons of sand each year – these processing units serve to reclaim and reuse the sand. This process should be encouraged because they provide significant environmental benefits. Additionally, sand systems at foundries are already controlled by other air regulations.

It is clear to us that EPA's original rule did not intend for foundries to have to comply with NSPS, Subpart UUU. Consistent with its original intent of Subpart UUU, EPA must finalize a regulation to exempt foundries from the applicability of this regulation. Please provide a detailed explanation of how and when EPA plans to promulgate an exemption for foundries from NSPS, Subpart UUU. We appreciate your attention to this matter and look forward to your timely response.

Sincerely,




Chuck Fleischmann  
Member of Congress



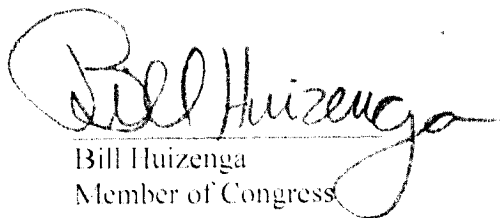
Gary Peters  
Member of Congress

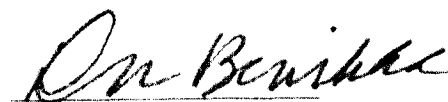


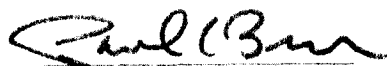
Phil Roe  
Member of Congress



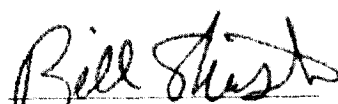
Joe Barton  
Member of Congress

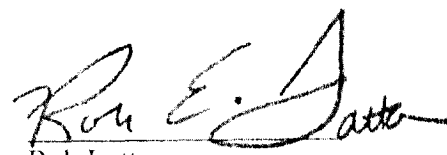
  
Bill Huizenga  
Member of Congress

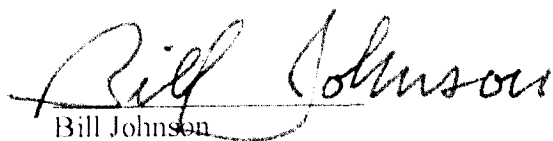
  
Dan Benishek  
Member of Congress

  
Paul Broun  
Member of Congress

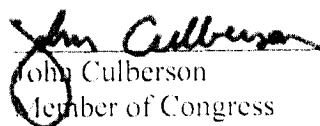
  
Lou Barletta  
Member of Congress

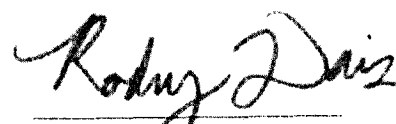
  
Bill Shuster  
Member of Congress


  
Bob Latta  
Member of Congress

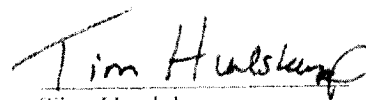
  
Bill Johnson  
Member of Congress


  
Hal Rogers  
Member of Congress

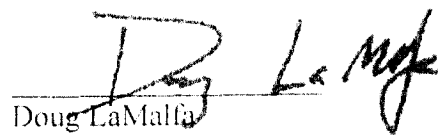
  
John Culberson  
Member of Congress

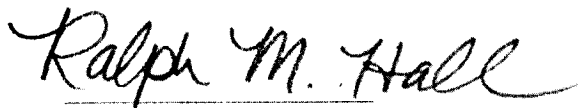
  
Rodney Davis  
Member of Congress

  
Cynthia Lummis  
Member of Congress

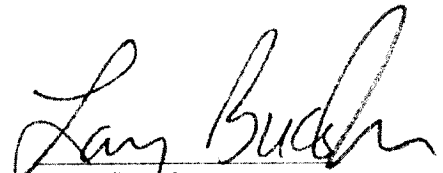
  
Tim Huelskamp  
Member of Congress

  
Andy Harris  
Member of Congress

  
Doug LaMalfa  
Member of Congress



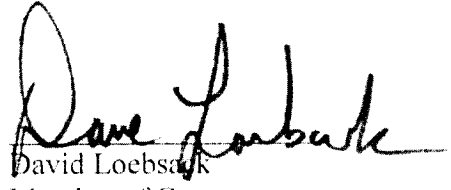
Ralph Hall  
Member of Congress



Larry Budshon  
Member of Congress



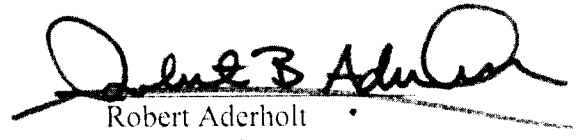
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David Loebsack  
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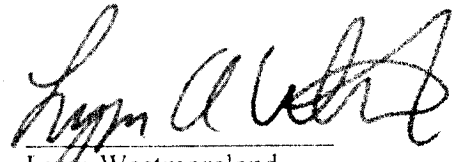
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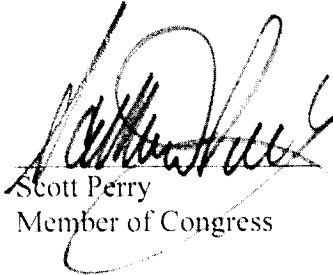
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Marsha Blackburn  
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Lynn Westmoreland  
Member of Congress



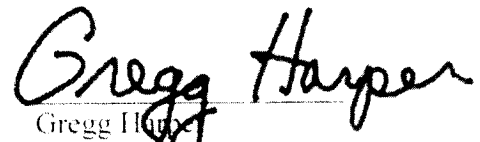
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Jim Jordan  
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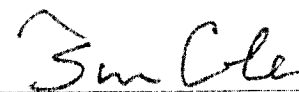
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Member of Congress



Gregg Harper  
Member of Congress



Tom Graves  
Member of Congress



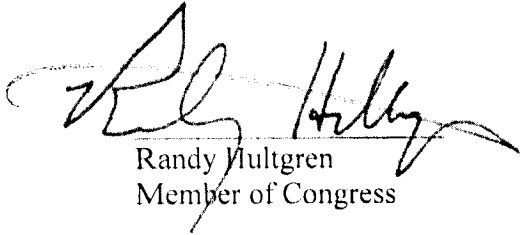
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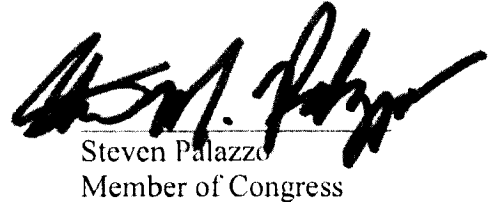
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Jackie Walorski  
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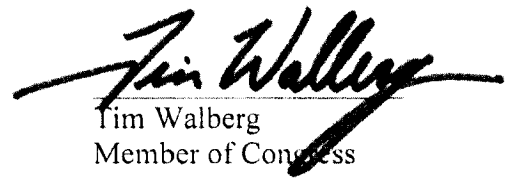
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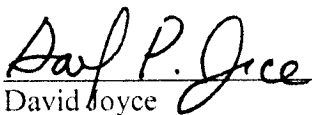
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Mark Amodei  
Member of Congress



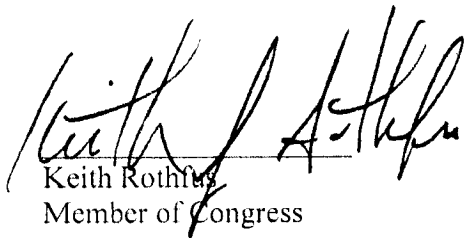
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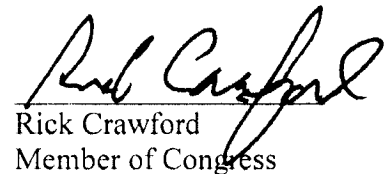
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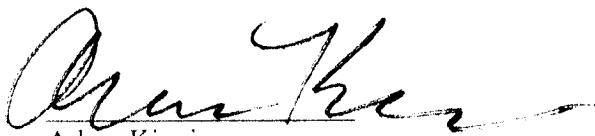
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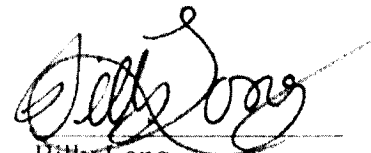
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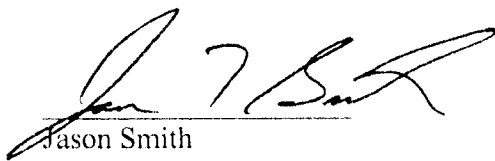
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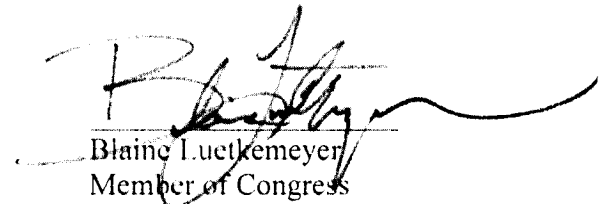
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Billy Long  
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Jason Smith  
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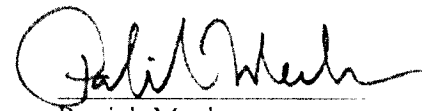


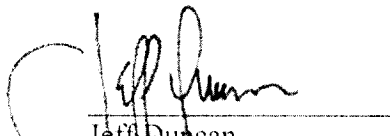
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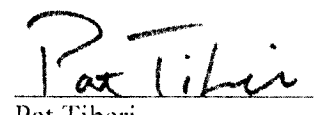
  
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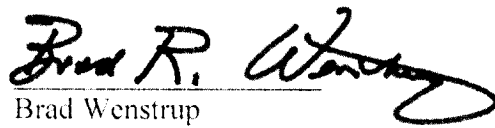
  
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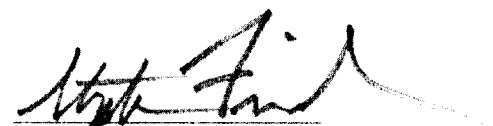
  
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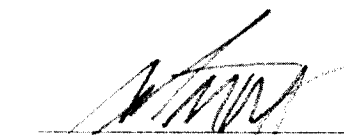
  
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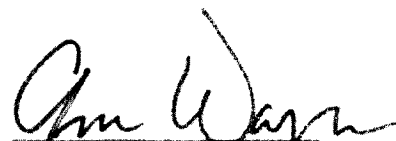
  
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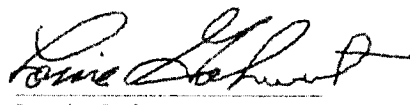
  
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Brad Wenstrup  
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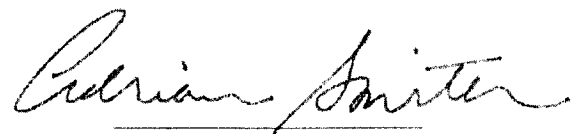
  
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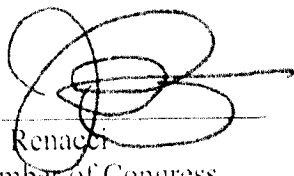
  
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Louie Gohmert  
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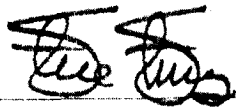
  
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Shelley Moore Capito  
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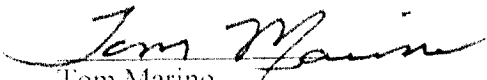
  
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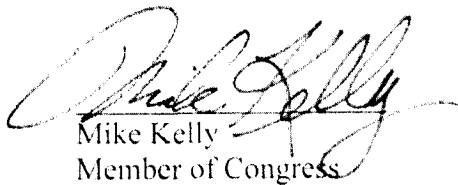
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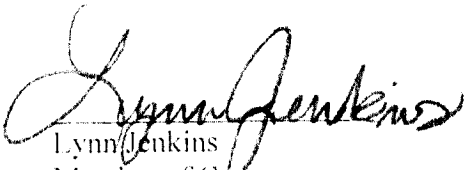
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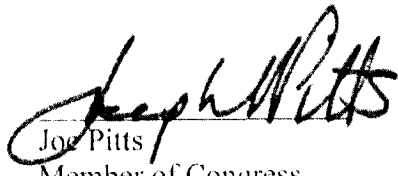
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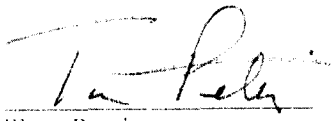
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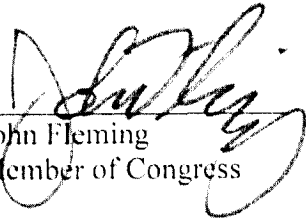
Lynn Jenkins  
Member of Congress



Joe Pitts  
Member of Congress



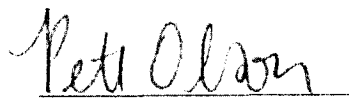
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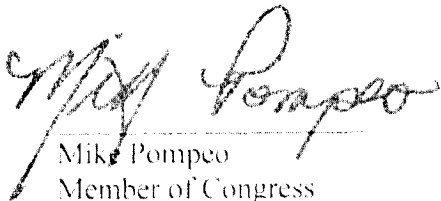
John Fleming  
Member of Congress



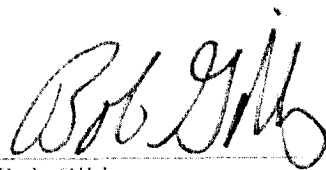
Diane Black  
Member of Congress




Pete Olson  
Member of Congress




Mike Pompeo  
Member of Congress



Bob Gibbs  
Member of Congress



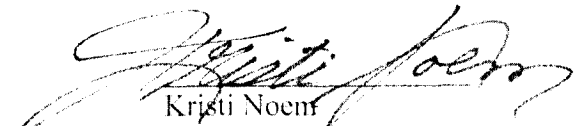
Michael Turner  
Member of Congress




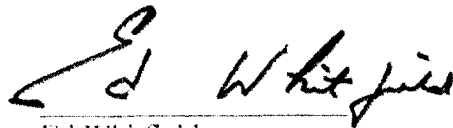
Glenn "GT" Thompson  
Member of Congress



Vern Buchanan  
Member of Congress

  
Kristi Noem  
Member of Congress

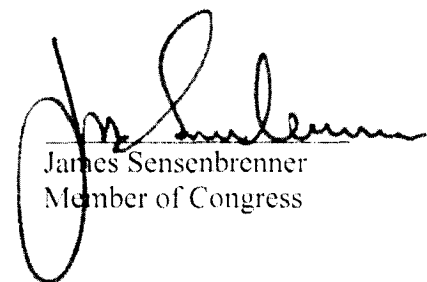
Steve Chabot  
Member of Congress

  
Aaron Schock  
Member of Congress

Ed Whitfield  
Member of Congress

  
Blake Farenthold  
Member of Congress

Sean Duffy  
Member of Congress

  
James Sensenbrenner  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 21 2013

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your June 17, 2013, letter to the U.S. Environmental Protection Agency regarding the Clean Air Act (CAA) New Source Performance Standards (NSPS) for Calciners and Dryers in the Mineral Processing Industries (40 CFR, Part 60), and the application of these standards to certain foundry operations. I welcome the opportunity to explain how the EPA addresses probable violations of the NSPS.

By way of background, the NSPS Subpart UUU applies to any facility which processes "industrial sand" in "calciners and dryers." As early as 1986, the EPA stated in the preamble to the Notice of Proposed Rulemaking that the rule "... would apply to new, modified, and reconstructed calciners and dryers at mineral processing plants." In both the proposed and the final rules, the EPA defined a mineral processing plant as "... any facility that processes or produces any of the following minerals ... ." In the preamble and in the final rule, the EPA listed "industrial sand" as one of the listed minerals, and broadly defined the affected facility, "dryer," as "... the equipment used to remove uncombined (free) water from mineral material through direct or indirect heating." As a result, where foundries process the listed mineral "industrial sand," they meet the definition of "mineral processing plant," and the "calciners and dryers" that are used by these foundries to process the industrial sand are subject to NSPS Subpart UUU.

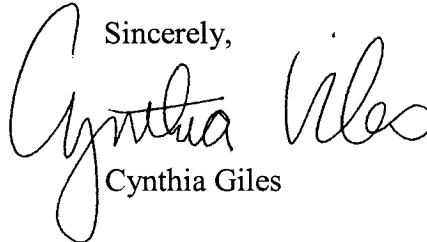
The National Industrial Sand Association confirms, on its website, that foundries are one of the primary users of the listed mineral industrial sand, stating that "... [i]ndustrial sand is an essential part of the ferrous and non-ferrous foundry industry." The Association goes on to further state that "... core sand can be thermally or mechanically recycled ... ."

In April 2008, as part of the EPA's proposed amendments to the NSPS for Nonmetallic Mineral Processing Plants (Subpart OOO), we requested public comment on the applicability of Subpart UUU to sand and reclamation processes at metal foundries. The addition of this language in the Subpart OOO proposal coincided with inquiries regarding this issue by foundry industry representatives at that time. After further consideration, the EPA determined, for the reasons discussed above, that our prior interpretation that Subpart UUU applied to calciners and dryers processing industrial sand at foundries was correct. In addition, it was also determined that Subpart OOO was not the appropriate vehicle to take action on this matter because that Subpart dealt with a different industry sector.

Consequently, the EPA decided at that time that no further action to amend Subpart UUU, or otherwise change its applicability criteria, was necessary or appropriate. Should the agency decide to re-evaluate the applicability of this rule, it would generally do so under Section 111(b)(1)(B) of the CAA, which authorizes the agency to revise the NSPS from time-to-time. Subpart UUU is not currently scheduled for review under Section 111(b)(1)(B) of the CAA.

Based on the above rationale, the EPA is currently taking enforcement action in the EPA Region 5 for identified violations of NSPS Subpart UUU at subject foundries. There are 138 iron and steel foundries in Region 5. In the last two years, Region 5 has conducted compliance evaluations at 39 of these foundries and, thus far, has found 11 to be in violation of the Clean Air Act; only 3 of the 11 cases included violations of Subpart UUU. To remedy the currently identified Subpart UUU violations, the 3 affected facilities have agreed to conduct some additional testing. Thus far, no penalties have been assessed for the NSPS Subpart UUU violations.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Pamela Janifer in the EPA Office of Congressional and Intergovernmental Relations at (202) 564-6969.

Sincerely,  
  
Cynthia Giles

**Congress of the United States**  
**Washington, DC 20515**

May 1, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

The Honorable John M. McHugh  
Secretary  
Department of the Army  
The Pentagon, Room 3E700  
Washington, D.C. 20310

Dear Administrator McCarthy and Secretary McHugh:

We write to express our serious concerns with the proposed rule re-defining the scope of federal power under the Clean Water Act (CWA) and ask you to return this rule to your Agencies in order to address the legal, economic, and scientific deficiencies of the proposal.

On March 25, 2014, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) released a proposed rule that would assert CWA jurisdiction over nearly all areas with any hydrologic connection to downstream navigable waters, including man-made conveyances such as ditches. Contrary to your agencies' claims, this would directly contradict prior U.S. Supreme Court decisions, which imposed limits on the extent of federal CWA authority. Although your agencies have maintained that the rule is narrow and clarifies CWA jurisdiction, it in fact aggressively expands federal authority under the CWA while bypassing Congress and creating unnecessary ambiguity. Moreover, the rule is based on incomplete scientific and economic analyses.

The rule is flawed in a number of ways. The most problematic of these flaws concerns the significant expansion of areas defined as "waters of the U.S." by effectively removing the word "navigable" from the definition of the CWA. Based on a legally and scientifically unsound view of the "significant nexus" concept espoused by Justice Kennedy, the rule would place features such as ditches, ephemeral drainages, ponds (natural or man-made), prairie potholes, seeps, flood plains, and other occasionally or seasonally wet areas under federal control.

Additionally, rather than providing clarity and making identifying covered waters "less complicated and more efficient," the rule instead creates more confusion and will inevitably cause unnecessary litigation. For example, the rule heavily relies on undefined or vague concepts such as "riparian areas," "landscape unit," "floodplain," "ordinary high water mark" as determined by the agencies' "best professional judgment" and "aggregation." Even more egregious, the rule throws into confusion extensive state regulation of point sources under various CWA programs.

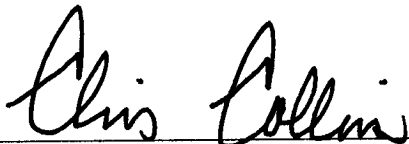
In early December of 2013, your agencies released a joint analysis stating that this rule would subject an additional three percent of U.S. waters and wetlands to CWA jurisdiction and that the rule would create an economic benefit of at least \$100 million annually. This calculation is seriously flawed. In this analysis, the EPA evaluated the FY 2009-2010 requests for jurisdictional determinations – a period of time that was the most economically depressed in

nearly a century. This period, for example, saw extremely low construction activity and should not have been used as a baseline to estimate the incremental acreage impacted by this rule. In addition, the derivation of the three percent increase calculation did not take into account the landowners who – often at no fault of their own – do not seek a jurisdictional determination, but rather later learn from your agencies that their property is subject to the CWA. These errors alone, which are just two of many in EPA's assumptions and methodology, call into question the veracity of any of the conclusions of the economic analysis.

Compounding both the ambiguity of the rule and the highly questionable economic analysis, the scientific report – which the agencies point to as the foundation of this rule – has been neither peer-reviewed nor finalized. The EPA's draft study, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," was sent to the EPA's Science Advisory Board to begin review on the same day the rule was sent to OMB for interagency review. The science should always come before a rulemaking, especially in this instance where the scientific and legal concepts are inextricably linked.

For all these reasons, we ask that this rule be withdrawn and returned to your agencies. This rule has been built on an incomplete scientific study and a flawed economic analysis. We therefore ask you to formally return this rule to your agencies.

Sincerely,




CHRIS COLLINS  
Member of Congress



KURT SCHRADER  
Member of Congress



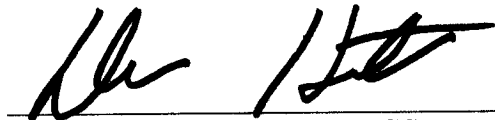
BILL SHUSTER  
Chairman  
House Committee on  
Transportation and Infrastructure



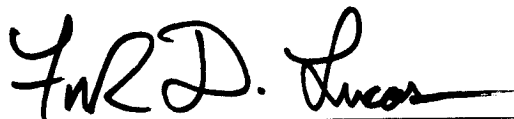
LAMAR SMITH  
Chairman  
House Committee on  
Science, Space, and Technology



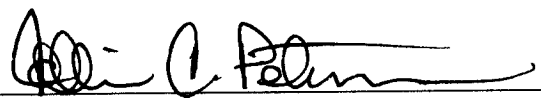
FRED UPTON  
Chairman  
House Committee on  
Energy and Commerce



DOC HASTINGS  
Chairman  
House Committee on  
Natural Resources



FRANK LUCAS  
Chairman  
House Committee on Agriculture



COLLIN PETERSON  
Ranking Member  
House Committee on Agriculture

Ed Whitfield

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Bill Byrnes M.C.

Ron E. Foster

Vietnam  
Lynn Baker

Adrian Pariter

John G. Manning

John Banner

Walter B. Jones

Mike Simpson

~~Charles B. Akers~~

Bill Owens

Tom Sisk

Jim Sundman WI-05

Robert J. Withers VA-01

Rat Tiliu

Sydney P. Lummis

J P Lummis

Bazzy

Tim Hurlburt

Alaska Blackburn

Ken Yoder

Julie Wink

Odd Roberts

Jan F. L.

Mark V. Amaro

Van H. J.

Milly P. Pompeo

Joe Baratta

Mike Karenthal

John Henry

Gene R. Tipton

Jim Bidmstein

Long Adams

Dr. R.

Chuck Fleish

Paul Scott

R. A. Nam

Thomas Massie

Brett Guthrie

Jim Jim M.C.

Ch Stewart

Ann Sch

Larry Bueh

~~Tom~~ Tom

Kay Jones

Bill Fum

16 Mar 1991

Highland

D. Bunker

Bill Caridy

Gregg Harper

Glen GT Thompson

Archie Rye (M-03)

La Van

Jayong

Vicky Hartzler

Lynn Jenkins

Ken Cane

Steve Womack

Roger Williams

Jaime Herrera-Bentler

Terri Sewell

Tim G.P.L. (AR-02)

Fred R. Wansley

A.P.O.

Sam Schuyler

Alan Nordin

Ronald Nyebo

Dilly Song

Susan W. Brooks

Mark Kelly

J. John

Bill Johnson

Andreas

Bob Huizenga

Mike Mullen

Sc-5

for AA

Andrew Bynum

Star

Star

Keith Kibbe

Raul R. Labrador

Handmaid

Will

Will Sengat

R. Woodall

CPH

Duane Black

Mo Brooks

B

Kerry W. Smith

Gene Jensen

Ch. Bondary

Nick Stapp

John Culberson

Ed. M. Bilinski

Luke Murren

Mark Wayne Mullin

Pat Skyles

Don B. Agel

Ch. Jensen

Hunt

Sam Johnson

Mark Skyles

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CE W. Ditt

Gene Krystas

Jeffrey Jensen

Tom Perkins

Tom Rice

John H. H. 11/34

John A. 11-03

Robert Pittenger

Pete Olson

Paul H.

H. Viny

S. Holby

Rene J. H.

Kevin M. Canty

Virginia J. J.

Max H. J.

Kevin J. Paul

Erik Paulsen

Joe Heck

Mike E.

Tom Marino

Darin Noveck

Michael A. Ammon

K. Mitt C.

Jim C.

Stu Chabot

Rubén Hengua

Greg Walden

Howard Cobb

Ja Borton

Frank R. Wiley

R. Raskin

Kerry Bestwick

Cathy McNamee

Paul Cook

Shane R. Lettice

Jim Rahall

Joe Wilson

Scott Smith

Michael R. Jones

Angela Miller

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Patrick J. McHenry

Howard E. Burt

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Member	Party	District
Don Young	R	AK-AL
Bradley Byrne	R	AL-1
Martha Roby	R	AL-2
Mike Rogers	R	AL-3
Robert Aderholt	R	AL-4
Mo Brooks	R	AL-5
Spencer Bachus	R	AL-6
Terri Sewell	D	AL-7
Rick Crawford	R	AR-1
Tim Griffin	R	AR-2
Steve Womack	R	AR-3
Tom Cotton	R	AR-4
Paul Gosar	R	AZ-4
Matt Salmon	R	AZ-5
David Schweikert	R	AZ-6
Trent Franks	R	AZ-8
Doug LaMalfa	R	CA-1
Jeff Denham	R	CA-10
Jim Costa	D	CA-16
David Valadao	R	CA-21
Devin Nunes	R	CA-22
Kevin McCarthy	R	CA-22
Howard "Buck" McKeon	R	CA-25
Gary Miller	R	CA-31
Tom McClintock	R	CA-4
Ken Calvert	R	CA-42
Dana Rohrabacher	R	CA-48
Darrell Issa	R	CA-49
Paul Cook	R	CA-8
Scott Tipton	R	CO-3
Cory Gardner	R	CO-4
Doug Lamborn	R	CO-5
Mike Coffman	R	CO-6
Jeff Miller	R	FL-1
Rich Nugent	R	FL-11
Gus Bilirakis	R	FL-12
Tom Rooney	R	FL-17
Steve Southerland	R	FL-2
Mario Diaz-Balart	R	FL-25
Ileana Ros-Lehtinen	R	FL-27
Ted Yoho	R	FL-3
Ron DeSantis	R	FL-6
John Mica	R	FL-7
Jack Kingston	R	GA-1
Paul Broun	R	GA-10
Phil Gingrey	R	GA-11

John Barrow	D	GA-12
David Scott	D	GA-13
Tom Graves	R	GA-14
Sanford Bishop	D	GA-2
Lynn Westmoreland	R	GA-3
Tom Price	R	GA-6
Rob Woodall	R	GA-7
Austin Scott	R	GA-8
Doug Collins	R	GA-9
Tom Latham	R	IA-3
Steve King	R	IA-5
Raul Labrador	R	ID-1
Michael Simpson	R	ID-2
William Enyart	D	IL-12
Rodney Davis	R	IL-13
Randy Hultgren	R	IL-14
John Shimkus	R	IL-15
Adam Kinzinger	R	IL-16
Aaron Schock	R	IL-18
Peter Roskam	R	IL-6
Jackie Walorski	R	IN-2
Marlin Stutzman	R	IN-3
Todd Rokita	R	IN-4
Susan Brooks	R	IN-5
Luke Messer	R	IN-6
Larry Bucshon	R	IN-8
Todd Young	R	IN-9
Tim Huelskamp	R	KS-1
Lynn Jenkins	R	KS-2
Kevin Yoder	R	KS-3
Mike Pompeo	R	KS-4
Ed Whitfield	R	KY-1
Brett Guthrie	R	KY-2
Thomas Massie	R	KY-4
Hal Rogers	R	KY-5
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Cedric Richmond	D	LA-2
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Justin Amash	R	MI-3

Dave Camp	R	MI-4
Fred Upton	R	MI-6
Tim Walberg	R	MI-7
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John Kline	R	MN-2
Erik Paulsen	R	MN-3
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John Culberson	R	TX-7
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J. Randy Forbes	R	VA-4
Robert Hurt	R	VA-5
Bob Goodlatte	R	VA-6
Morgan Griffith	R	VA-9
Jaime Herrera Beutler	R	WA-3
Doc Hastings	R	WA-4
Cathy McMorris Rodgers	R	WA-5
Dave Reichert	R	WA-8
Paul Ryan	R	WI-3
Jim Sensenbrenner	R	WI-5
Tom Petri	R	WI-6
Sean Duffy	R	WI-7
Reid Ribble	R	WI-8
David McKinley	R	WV-1
Shelly Moore Capito	R	WV-2
Nick Rahall	D	WV-3
Cynthia Lummis	R	WY-AL



JUN 09 2014



The Honorable Chris Collins  
House of Representatives  
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your May 1, 2014, letter cosigned by 230 other Members of the House of Representatives to the Department of the Army and the U.S. Environmental Protection Agency regarding the agencies' proposed rulemaking to clarify the term "waters of the United States." We are responding on behalf of the Secretary of the Army John M. McHugh and EPA Administrator Gina McCarthy. We understand your concerns and look forward to working with you and with the American public to respond to questions and comments about the agencies' joint rulemaking.

Your letter raises specific questions about the agencies' proposed rule clarifying the regulatory definition of "waters of the United States." As your letter effectively recognizes, this rule is important because it establishes the geographic scope for all Clean Water Act (CWA) programs. The agencies' primary goal in developing the proposed rule is to clarify protection under the CWA for streams and wetlands that form the foundation of the nation's water resources. We believe the proposed rule is fully consistent with the CWA, provides needed clarity, and is based on the best-available science.

We want to emphasize that the rule currently undergoing public review is a proposal. Consistent with the provisions of the Administrative Procedure Act, we will carefully evaluate all public comments received on the proposed rule, including yours, and make necessary changes before the rule is made final. This transparent public process will help to assure the final rule provides the clarity, certainty, and consistency the public demands and to make all provisions of the final rule fully consistent with the law and science, including decisions of the Supreme Court.

It is also important to recognize that the proposed rule would not expand the historic scope of the CWA, nor cover any types of waters not previously subject to the Act in the 1970s, 1980s and 1990s. We agree that Supreme Court decisions since 2001 have resulted in reducing the scope of waters that may be protected and we have worked hard to reflect these changes in the proposed rule. The result of this rulemaking will be to reduce the geographic scope of waters protected by the CWA compared to the rule it replaces. In addition, the CWA defines "navigable waters" as the waters of the United States. The courts, including the Supreme Court, have consistently found the jurisdiction of the CWA extends beyond waters deemed to be navigable in fact. In *United States v. Riverside Bayview*, 474 U.S. 121 (1985), for example, the Supreme Court ruled unanimously that the government has the power to control intrastate wetlands as waters of the United States.

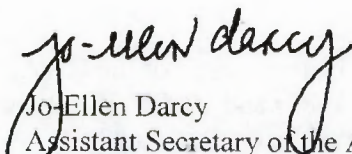
It is also important to note that the proposed rule includes definitions for terms such as "riparian area" and "floodplain," and does not regulate uplands in any riparian area or floodplain. The proposed rule also specifically solicits comment on such terms and whether the rule text should provide better specificity with regard to the application of the terms in order to improve clarity and certainty. Additionally, the proposed rule specifically states that certain ditches, artificially irrigated areas that would revert to uplands if irrigation were ceased, and artificial lakes and ponds created in uplands are excluded from CWA jurisdiction. It also provides that water-filled depressions created as a result of construction activity, pits excavated in uplands for fill, and treatment ponds or lagoons will not be subject to CWA jurisdiction.

The economic analysis that supports the proposed rule concludes that the overall benefits of the proposed rule would exceed its costs. This analysis, which is publicly available, was based on the best-available information at the time the rule was proposed regarding the rule's effect on all CWA programs. We welcome public comments on how the analysis could be improved to ensure it effectively evaluates the effects of the proposed rule.

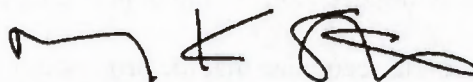
Finally, your letter expresses concerns regarding how the agencies plan to use the EPA's draft scientific report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." This report presents a review and synthesis of more than 1,000 pieces of peer reviewed scientific literature, and is currently undergoing independent peer review by the EPA's Science Advisory Board (SAB). As the agencies have emphasized, the proposed rule will not be finalized until the SAB review is complete and the EPA develops a final version of the scientific assessment based on SAB and public input.

Thank you again for your letter. An identical copy of this response has been sent to the other signers of your letter. We look forward to the ongoing input from you and your constituents during the public comment period on the proposed rule. If you have any questions, your staff may contact Mr. Chip Smith in the Office of the Assistant Secretary of the Army (Civil Works) at [charles.r.smith567.civ@mail.mil](mailto:charles.r.smith567.civ@mail.mil) or (703) 693-3655, or Mr. Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at [borum.denis@epa.gov](mailto:borum.denis@epa.gov) or (202) 564-4836.

Sincerely,



Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
Department of the Army



Nancy K. Stoner  
Acting Assistant Administrator  
U.S. Environmental Protection Agency

**PETER J. ROSKAM**

6TH DISTRICT, ILLINOIS

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:

HEALTH

TRADE

SELECT COMMITTEE  
ON BENGHAZI



## Congress of the United States

House of Representatives

Washington, DC 20515-1306

October 14, 2014

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WASHINGTON, DC 20515  
(202) 225-4561

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SUITE 304  
WEST CHICAGO, IL 60185  
(630) 232-0006

roskam.house.gov  
facebook.com/RepRoskam  
twitter.com/PeterRoskam

Administrator McCarthy  
United States Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20460

Dear Administrator McCarthy,

I am writing in regards to an application for Technical/Engineering Hardship Relief pursuant to 40 CFR 1039.625 filed with your agency's Office of Transportation & Air Quality by the Federal Signal Corporation, and its subsidiary, Elgin Sweeper Company. The application for relief was filed on April 28, 2014 and the public comment period ended on June 20, 2014. I urge the prompt and fair consideration of this application which has been pending for nearly six months.

The Federal Signal Corporation has been switching to lower emission diesel engines pursuant to the Transition Program for Equipment Manufacturers. To do so they have relied on their engine provider, John Deere, to develop engines that are compliant with the new emissions standards. Federal Signal Corporation has informed me that John Deere encountered setbacks in their development of the new engines and subsequently that Federal Signal Corporation has not yet been able to produce street sweepers that conform to the new lower emission engines, due to the demonstrated delay in receiving specifications and prototypes to begin its product development process, which lasts, at a minimum, eighteen months.

Current regulations allow for Federal Signal to produce 700 street sweepers with engines that do not meet the new emission standards with a maximum production of 200 sweepers per year. The company claims that without John Deere being delayed in their development, Federal Signal Corp would have been able to produce and sell their next generation of newer emission compliant street sweepers before running out of the 200 transition credits allotted to them in 2014. Unfortunately, as a result of the delay, the transition credits were fully utilized in August of this year. Due to the circumstances surrounding the anticipated production delay, Federal Signal filed an application for hardship relief which would allow them to continue producing street sweepers on a continuing basis and without disruption to both its dealer network and customers, pending supply chain improvements which will enable the transition to compliant lower-emission units as soon as practicable.

While I understand the importance of your department taking the time to thoroughly examine each application, every day that passes without conclusion brings the company closer to halting production of new street sweepers and furloughing an estimated 40 workers, tragically just in time for the holiday season. The employees of this company deserve the ability to plan for their futures. With that in mind, I again urge the prompt and fair consideration of Federal Signal's application for Hardship Relief.

Very truly yours,



PETER J. ROSKAM  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 12 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your letter dated October 14, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy concerning the Technical/Engineering Hardship Relief application, under the Transition Program for Equipment Manufacturers, submitted to the EPA by the Federal Signal Corporation.

The EPA has made a decision on this hardship request and has informed Federal Signal Corporation of our decision by both email and U.S. mail. Sharing the determination raises issues regarding confidential business information and we are therefore not in a position to discuss the decision in this letter. Accordingly, we respectfully suggest that your office follow up directly with the company if you are interested in the details of our decision.

Again, thank you for your letter. If you have any further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at [lewis.josh@epa.gov](mailto:lewis.josh@epa.gov) or (202) 564-2095.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet G. McCabe", is located below the "Sincerely," text.

Janet G. McCabe  
Acting Assistant Administrator

Congress of the United States  
Washington, DC 20515

July 31, 2015

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

The Honorable Dr. Ernest Moniz  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, D.C. 20585

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, D.C. 20250

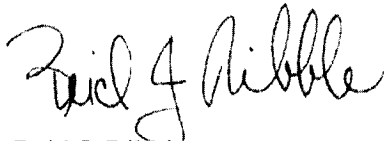
Dear Administrator McCarthy, Secretary Moniz, and Secretary Vilsack:

We write to support biomass energy as a sustainable, responsible, renewable, and economically significant energy source. Federal policies across all departments and agencies must remove any uncertainties and contradictions through a clear, unambiguous message that forest bioenergy is part of the nation's energy future.

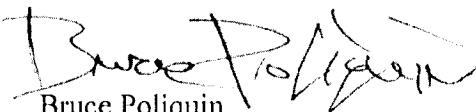
Many states are relying on renewable biomass to meet their energy goals, and we support renewable biomass to create jobs and economic growth while meeting our nation's energy needs. A comprehensive science, technical, and legal administrative record supports a clear and simple policy establishing the benefits of energy from forest biomass. Federal policies that add unnecessary costs and complexity will discourage rather than encourage investment in working forests, harvesting operations, bioenergy, wood products, and paper manufacturing. Unclear or contradictory signals from federal agencies could discourage biomass utilization as an energy solution.

The carbon neutrality of forest biomass has been recognized repeatedly by numerous studies, agencies, institutions, legislation, and rules around the world, and there has been no dispute about the carbon neutrality of biomass derived from residuals of forest products manufacturing and agriculture. Our constituents employed in the biomass supply chain deserve a federal policy that recognizes the clear benefits of forest bioenergy. We urge you to ensure that federal policies are consistent and reflect the carbon neutrality of these types of bioenergy.

Sincerely,



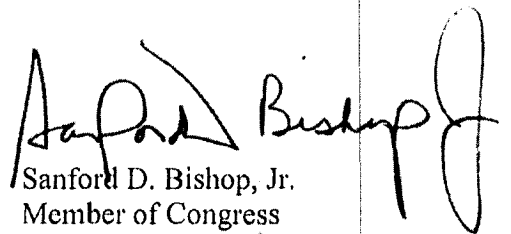
Reid J. Ribble  
Member of Congress



Bruce Poliquin  
Member of Congress



Gregg Harper  
Member of Congress



Sanford D. Bishop, Jr.  
Member of Congress



Kurt Schrader  
Member of Congress



Gwen Graham  
Member of Congress

*Corrine Brown*

Corrine Brown  
Member of Congress

*G.K. Butterfield*

G.K. Butterfield  
Member of Congress

*Ken Calvert*

Ken Calvert  
Member of Congress

*Steve Cohen*

Steve Cohen  
Member of Congress

*Tom Cole*

Tom Cole  
Member of Congress

*Joe Courtney*

Joe Courtney  
Member of Congress

*Ander Crenshaw*

Ander Crenshaw  
Member of Congress

*Peter A. DeFazio*

Peter A. DeFazio  
Member of Congress

*John J. Duncan, Jr.*

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Member of Congress

*Stephen Lee Fincher*

Stephen Lee Fincher  
Member of Congress

*John Fleming*

John Fleming  
Member of Congress

*J. Randy Forbes*

J. Randy Forbes  
Member of Congress

*Virginia Foxx*

Virginia Foxx  
Member of Congress

*Tren Franks*

Tren Franks  
Member of Congress

*John Garamendi*

John Garamendi  
Member of Congress

*Louie Gohmert*

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*Bob Goodlatte*

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*Tom Graves*

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*Brett Guthrie*

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*Walter B. Jones*

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*Leonard Lance*

Leonard Lance  
Member of Congress

*Rick Larsen*

Rick Larsen  
Member of Congress

*Robert E. Latta*

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Member of Congress

*Tom McClintock*

Tom McClintock  
Member of Congress

*Mick Mulvaney*

Mick Mulvaney  
Member of Congress

*Kristi Noem*

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Member of Congress

*Richard M. Nolan*

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*Collin C. Peterson*

Collin C. Peterson  
Member of Congress

*Chellie Pingree*

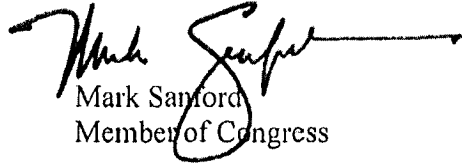
Chellie Pingree  
Member of Congress

*Hal Rogers*

Hal Rogers  
Member of Congress



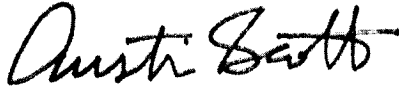
Peter J. Roskam  
Member of Congress



Mark Sanford  
Member of Congress



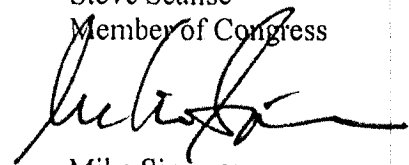
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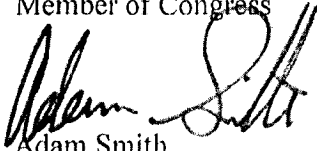
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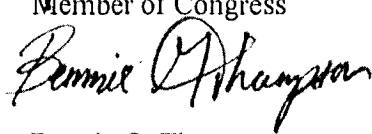
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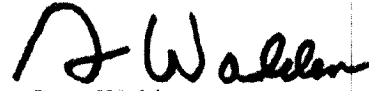
Mike Simpson  
Member of Congress



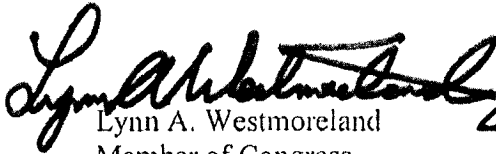
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Bennie G. Thompson  
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Greg Walden  
Member of Congress



Lynn A. Westmoreland  
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Ed Whitfield  
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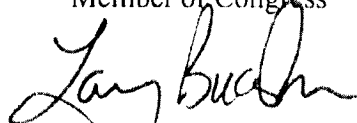
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Member of Congress





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Andy Barr  
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Mike Bost  
Member of Congress

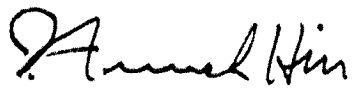
  
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Doug Collins  
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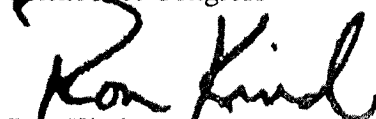
  
Rodney Davis  
Member of Congress


  
Renee L. Ellmers  
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H. Morgan Griffith  
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J. French Hill  
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John Katko  
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Ron Kind  
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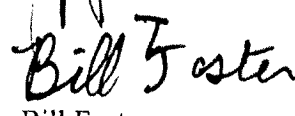
  
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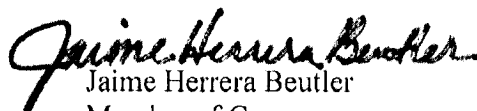
  
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Cheri Bustos  
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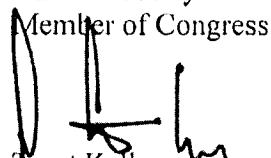
  
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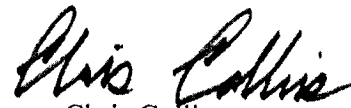
  
David W. Jolly  
Member of Congress

  
Trent Kelly  
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Adam Kinzinger  
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Earl Blumenauer  
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Mo Brooks  
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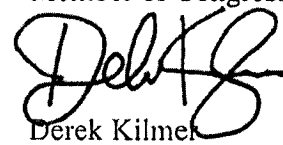
  
Rick Crawford  
Member of Congress

  
Sean P. Duffy  
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Chris Gibson  
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Jody B. Hice  
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David P. Joyce  
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Derek Kilmer  
Member of Congress

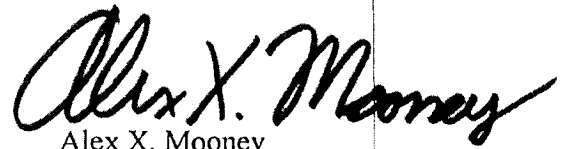
  
Raul R. Labrador  
Member of Congress



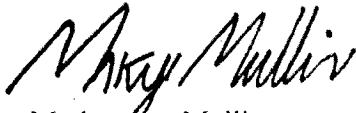
Dave Loebsack  
Member of Congress



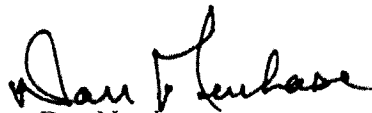
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Member of Congress



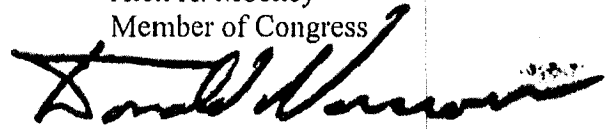
Alex X. Mooney  
Member of Congress



Markwayne Mullin  
Member of Congress



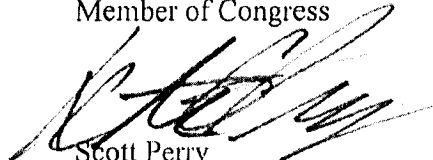
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Donald Norcross  
Member of Congress



Ed Perlmutter  
Member of Congress



Scott Perry  
Member of Congress



Dave Reichert  
Member of Congress



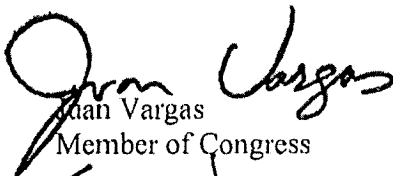
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Member of Congress



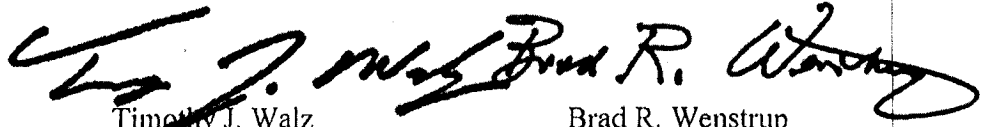
Dave Trott  
Member of Congress



David G. Valadao  
Member of Congress



Juan Vargas  
Member of Congress



Timothy J. Walz  
Member of Congress

Brad R. Wenstrup  
Member of Congress



Steve Womack  
Member of Congress



Rob Woodall  
Member of Congress



Robert C. "Bobby" Scott  
Member of Congress



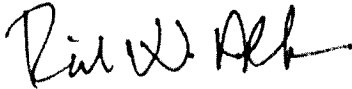
Ralph Abraham, M.D.  
Member of Congress



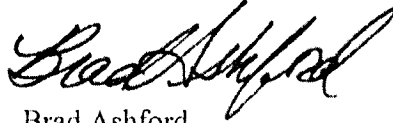
Alma S. Adams  
Member of Congress



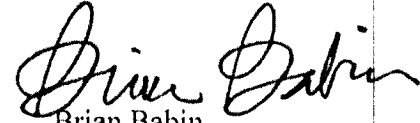
Robert B. Aderholt  
Member of Congress



Rick W. Allen  
Member of Congress



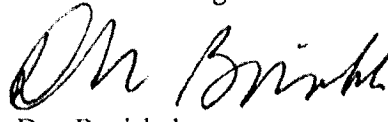
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Member of Congress



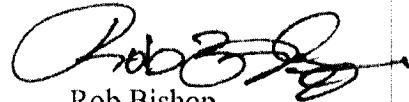
Brian Babin  
Member of Congress



Lou Barletta  
Member of Congress



Dan Benishek  
Member of Congress



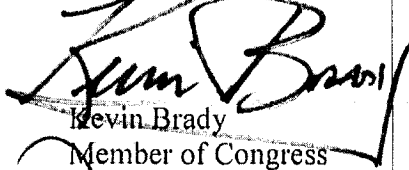
Rob Bishop  
Member of Congress



Rod Blum  
Member of Congress



Suzanne Bonamici  
Member of Congress



Kevin Brady  
Member of Congress



Bradley Byrne  
Member of Congress



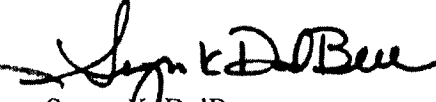
Earl L. "Buddy" Carter  
Member of Congress



James E. Clyburn  
Member of Congress



Barbara Comstock  
Member of Congress



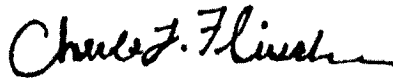
Suzan K. DelBene  
Member of Congress



Scott DesJarlais  
Member of Congress



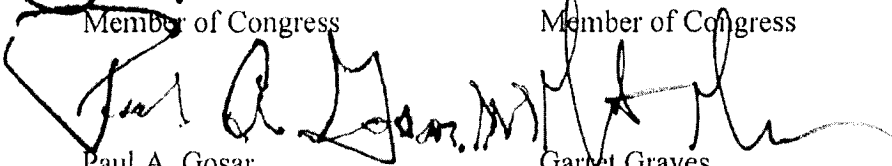
Jeff Duncan  
Member of Congress



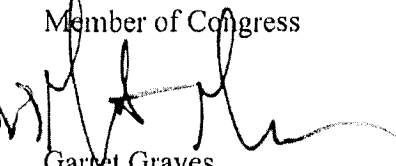
Chuck Fleischmann  
Member of Congress



Bob Gibbs  
Member of Congress



Paul A. Gosar  
Member of Congress



Garret Graves  
Member of Congress



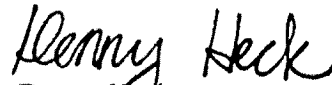
Glenn Grothman  
Member of Congress



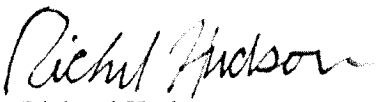
Frank C. Guinta  
Member of Congress



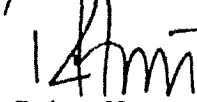
Richard L. Hanna  
Member of Congress



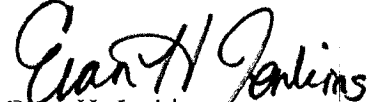
Denny Heck  
Member of Congress



Richard Hudson  
Member of Congress



Robert Hurt  
Member of Congress



Evan H. Jenkins  
Member of Congress

Ann Kirkpatrick  
Member of Congress

Ann McLane Kuster  
Member of Congress

Doug LaMalfa  
Member of Congress

Barry Loudermilk  
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David B. McKinley  
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Cathy McMorris Rodgers  
Member of Congress

Steven M. Palazzo  
Member of Congress

Gary Palmer  
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Mark Pocan  
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John Ratcliffe  
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Tom Rice  
Member of Congress

Cedric L. Richmond  
Member of Congress

Martha Roby  
Member of Congress

Mike Rogers  
Member of Congress

David Rouzer  
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David Scott  
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Elise M. Stefanik  
Member of Congress

Eric Swalwell  
Member of Congress

Glenn 'GT' Thompson  
Member of Congress

Scott R. Tipton  
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Norma J. Torres  
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Ann Wagner  
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Jackie Walorski  
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Bruce Westerman  
Member of Congress

Ted S. Yoho, DVM  
Member of Congress

David Young  
Member of Congress

Ryan K. Zinke  
Member of Congress



December 23, 2015

The Honorable Peter J. Roskam  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Roskam:

Thank you for your July 31, 2015, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, U.S. Department of Agriculture Secretary Thomas J. Vilsack, and U.S. Department of Energy Secretary Ernest Moniz, regarding the role of forest bioenergy in meeting our Nation's energy and climate goals. They have asked us to respond on their behalf.

The President's Climate Action Plan and All-of-the-Above Energy Strategy lay a foundation for a clean energy future and foster expansion of renewable energy, including biomass. At the same time, the President's Climate Action Plan highlights the critical role that America's forests play in addressing carbon pollution in the United States. Our agencies agree that production and use of biomass energy can be an integral part of regimes that promote conservation and responsible forest management. States also recognize the importance of forests, and many have been developing a variety of forest and land use management policies and programs that both address climate change and foster increased biomass utilization as part of their energy future.

Recent EPA regulatory action and scientific work on assessing biogenic carbon dioxide (CO<sub>2</sub>) emissions from stationary sources is part of this broad climate strategy. In August 2015, EPA released the final Clean Power Plan (CPP), which describes the ways in which the use of biomass may be a component of state plans. For example, in the CPP, EPA generally acknowledges the benefits of waste-derived biogenic feedstocks and certain forest- and agriculture-derived industrial byproduct feedstocks and expects that these feedstocks would likely be approvable in a state plan. To support states and stakeholders in incorporating bioenergy in their state plans, EPA plans to hold a public workshop in early 2016 for stakeholders to share their successes, experiences, and approaches to deploying biomass in ways that have been, and can be, carbon beneficial. In addition, EPA has also developed a revised *Framework for Assessing Biogenic Carbon Dioxide from Stationary Sources* that can assist states when considering the role of biomass in state plan submittals. The revised report takes into account the latest information from the scientific community and other stakeholders, including findings from EPA's Science Advisory Board (SAB) review of the first draft framework. EPA is continuing to refine its accounting work through a second round of targeted peer review with the SAB in 2015.<sup>1</sup>

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<sup>1</sup> The revised draft Framework and SAB peer review request memo can be found at: <http://epa.gov/climatechange/ghgemissions/biogenic-emissions.html>. Information regarding the SAB peer review process can be found at: [www.epa.gov/sab/](http://www.epa.gov/sab/).

USDA recognizes the important role forest management and biomass will play in both our energy and climate future. Increasing the demand for wood for energy results in more forest area, more forest investment, and potential greenhouse gas reductions. To increase forest stocks and improve forest health and management, we must develop incentives that keep working forestland forested and support forest restoration, reforestation, and afforestation. This is all the more critical, especially amid development pressures and increasing threats from insects, disease, and wildfire.

Under USDA's Wood to Energy Initiative, USDA has supported over 230 Wood Energy projects through nearly \$1 billion in grants, loans, and loan guarantees since 2009 through a host of programs, including the Renewable Energy for America Program and the Biomass Crop Assistance Program. USDA has established state-wide wood energy teams in 19 states that are helping deliver needed technical and financial assistance to expand those markets further.

DOE recognizes the importance of wood as a renewable energy source. DOE is leading efforts to develop and demonstrate technologies for producing cost-competitive advanced biofuels from non-food biomass resources, including forest and wood resources, algae, and waste streams. These efforts require rigorous scientific study and evaluation to understand the impacts of various biomass feedstocks, especially woody resources, to optimize the benefits of their use.

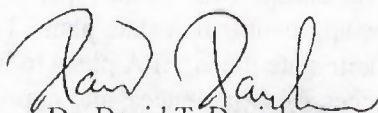
In the context of the President's Climate Action Plan and All-of-the-Above Energy Strategy, DOE, EPA, and USDA will work together to ensure that biomass energy plays a role in America's clean energy future. As stated in your letter, the American people deserve a Federal policy that recognizes the benefits of forest bioenergy. Together, our agencies are working carefully and consistently to quantify the benefits of using wood for energy.

Again, thank you for your letter. If you have further questions, please contact us or your staff may contact Ms. Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806; Ms. Janine Benner, DOE's Deputy Assistant Secretary for House Affairs at (202) 586-5450; or Mr. Todd Batta, USDA's Assistant Secretary for Congressional Relations at (202) 720-6643.

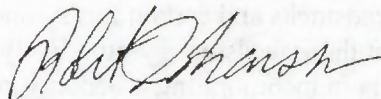
Sincerely,



Janet G. McCabe  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection  
Agency



Dr. David T. Danielson  
Assistant Secretary  
Office of Energy Efficiency  
and Renewable Energy  
U.S. Department of Energy



Dr. Robert Johansson  
Chief Economist  
U.S. Department of Agriculture

**PETER J. ROSKAM**

6TH DISTRICT, ILLINOIS

COMMITTEE ON WAYS AND MEANS

CHAIRMAN

SUBCOMMITTEE ON OVERSIGHT

SUBCOMMITTEE ON HEALTH

SELECT COMMITTEE  
ON BENGHAZI



## Congress of the United States

House of Representatives

Washington, DC 20515-1306

May 19, 2017

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WASHINGTON, DC 20515  
(202) 225-4561

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(630) 232-0006

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twitter.com/PeterRoskam

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
William Jefferson Clinton Federal Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Mr. Pruitt:

I am writing to follow up on our conversation regarding the Administration's proposal to eliminate the Great Lakes Restoration Initiative (GLRI). This is completely unacceptable and a serious error in the allocation of resources. I have requested that the House Appropriations Subcommittee on Interior, Environment and Related Agencies provide \$300 million in the Fiscal Year 2018 Appropriations bill, and I respectfully request that you do the same.

The Great Lakes are truly a national treasure. The Great Lakes are the largest freshwater system in the world, holding roughly 18 percent of the world's fresh water supply and 90 percent of the United States' fresh water supply. The Lakes are also an economic driver that support jobs, commerce, agriculture, transportation, and tourism for millions of people across the country.

More than a century of environmental damage has taken a significant toll on the Great Lakes, which the GLRI is helping to correct. Since the initiative was launched in 2010, GLRI funds have been used to support over 3,000 restoration projects to improve water quality, protect and restore native habitat, clean up environmentally-impaired Areas of Concern, fight invasive species, and prevent beach closings.

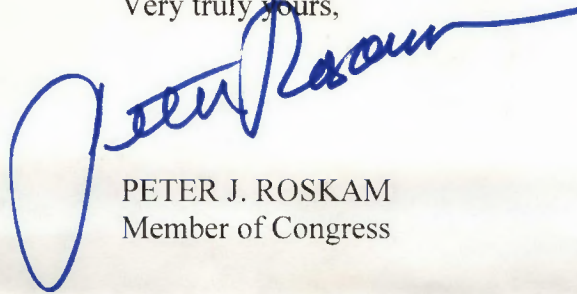
The Great Lakes Restoration Initiative is showing real and measurable results, but there is still a great deal of work to do. The Great Lakes Basin is vulnerable to various pollutants and invasive species, which threaten the health of the Great Lakes. For example, in 2014 a toxic algal bloom in Lake Erie forced 400,000 residents in the Toledo area to go without home water service for three days. While the GLRI has prioritized monitoring efforts, which help drinking water treatment plant operators and beach managers minimize health impacts associated with these toxic algal blooms, more must be done to better understand and prevent these algal blooms in the future.

The federal government commits significant resources each year to address the challenges the Great Lakes face. In particular, GLRI resources have supplemented agency budgets to fund

coordinated efforts to protect and restore the Great Lakes ecosystem, and we must ensure that this important work continues. Halting this commitment would reverse years of progress, dramatically reduce the GLRI's impact, and jeopardize the environmental and economic health of the region.

To that end, I urge you to continue this vital investment in the economic and environmental health of the Great Lakes by providing full funding for the GLRI and to reverse course from the Administration's budget proposal on this matter. Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Peter Roskam", with a large, stylized initial "P" on the left.

PETER J. ROSKAM  
Member of Congress